# Addendum

to the Final Program Environmental Impact Report for the Downtown Strategy 2000 (SCH# 2003042127) and the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (SCH# 2009072096)

# Pierce/Reed Mixed-Use Development Project

## File No. H13-021

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

October 2013

# TABLE OF CONTENTS



**Photos**

# TABLE OF CONTENTS

**Page**

## Figures



## Tables



## Appendices

# SECTION 1.0 INTRODUCTION AND PURPOSE

The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is completed and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations, or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the Lead Agency to evaluate these changes to determine whether or not they affect the conclusion in the environmental document.

In 2005, the City of San José approved the *San José Downtown Strategy 2000* (Downtown Strategy 2000), which is an update of the *San José Downtown Strategy Plan 2010* (adopted in 1992) and is a long-range program for the redevelopment and preservation of the central core of San José. The plan includes the following development:

- 8,000,000 to 10,000,000 square feet of office,
- 900,000 to 1,200,000 square feet of retail space,
- 8,000 to 10,000 residential units, and
- 2,000 to 2,500 hotel guest rooms.

The Downtown Strategy 2000 Final Environmental Impact Report (FEIR) was a broad range, program-level environmental document. It did develop project-level level information whenever possible, such as when a specific site was identified for a specific size and type of development. All subsequent development that has occurred as part of the Downtown Strategy 2000 has had project-specific supplemental environmental review. This project site was identified in the *South First Area Strategic Development Plan*, which was incorporated by reference in the Downtown Strategy 2000, for between 26,000 to 48,000 square feet of ground floor retail or office space with 96 to 154 housing units on the upper floors. This project, as proposed, would construct 232 residential units with approximately 4,300 to 5,200 square feet of ground floor commercial space.

In November 2011, the City of San José approved the *Envision San José 2040 General Plan* (Envision 2040 General Plan), which is a long-range program for the future growth of the City. The *Envision San José 2040 General Plan Final Environmental Impact Report* (General Plan FEIR) was a broad range analysis of planned growth and did not analyze specific development projects. The intent was for the General Plan FEIR to be a program-level document from which subsequent development consistent with the General Plan could tier. The General Plan FEIR evaluated additional growth (up to 10,360 dwelling units) in the Downtown compared to existing development. The project site was included in the *Downtown* land use designation (created in place of the *Core Area* designation as part of the Envision 2040 General Plan) which was analyzed for up to 350 dwelling units per acre (DU/AC) and a floor area ratio (FAR) up to 15.0 (3 to 30 stories). This designation allows for office, retail, service, residential, and entertainment uses in the Downtown at very high intensities, unless incompatibility with other major policies within the Envision 2040 General Plan (such as Historic Preservation Policies) indicates otherwise. Where single-family detached homes are adjacent to the perimeter of the area designated as Downtown, new development should serve as a transition to the lower-intensity use while still achieving urban densities appropriate

for the perimeter of downtown in a major metropolitan city. Residential development within the *Downtown* land use designation is intended to support pedestrian/bicycle circulation, increase transit ridership and incorporate ground floor commercial uses.

The purpose of this Addendum is to evaluate the environmental impacts of a Site Development Permit that proposes construction of a 232-unit residential apartment building with up to 5,200 square feet of commercial space on a 1.99-acre site in Downtown San José.

The CEQA Guidelines §15162 state that when an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines §15164 state that the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in §15162 (see above) calling for preparation of a subsequent EIR have occurred.

Given the proposed project description and knowledge of the project site (based on the proposed project, site specific environmental review, and environmental review prepared for the San José Downtown Strategy 2000 FEIR and the Envision San José 2040 General Plan FEIR), the City has concluded that the proposed project would not result in any new impacts not previously disclosed in

the Downtown Strategy 2000 FEIR and the Envision San José 2040 General Plan FEIR; nor would it result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent EIR is not required and an addendum to the Downtown Strategy 2000 FEIR and the Envision San José 2040 General Plan FEIR has been prepared for the proposed project.

This addendum will not be circulated for public review, but will be attached to both the Downtown Strategy 2000 FEIR and the Envision San José 2040 General Plan EIR, pursuant to CEQA Guidelines §15164(c).

All documents referenced in this Addendum are available for public review in the Department of Planning, Building and Code Enforcement at San José City Hall, 200 East Santa Clara Street, during normal business hours.

# SECTION 2.0 PROJECT INFORMATION

## 2.1 PROJECT TITLE

Pierce/Reed Mixed-Use Development

## 2.2 PROJECT LOCATION

The approximately 1.99-acre project site is located on the northwest corner of Reed Street and South First Street in the Central/Downtown Planning Area of San José. The project site is bounded by Pierce Avenue on the north, South Market/First Street on the east, Reed Street on the south, and residential uses on the west. Regional and vicinity maps of the project site are shown in Figures 2.2-1 and 2.2-2. An aerial photograph showing surrounding land uses is shown on Figure 2.2-3.

## 2.3 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street
San José, CA 95113

Project Manager – Rebecca Bustos, Planner II
Phone: (408) 535-7847, Email: Rebecca.Bustos@sanjoseca.gov

Environmental Project Manager – Rebekah Ross, Planner II
Phone: (408) 535-8448, Email: Rebekah.Ross@sanjoseca.gov

## 2.4 PROPERTY OWNER/PROJECT PROPONENT

Jeff Smith
60 Pierce-San Jose, LLC
901 Mariners Island Blvd. #700
San Mateo, CA 94404
(650) 377-5729

## 2.5 ASSESSOR'S PARCEL NUMBERS

264-32-001, 264-32-042, 264-32-086, and 264-32-087

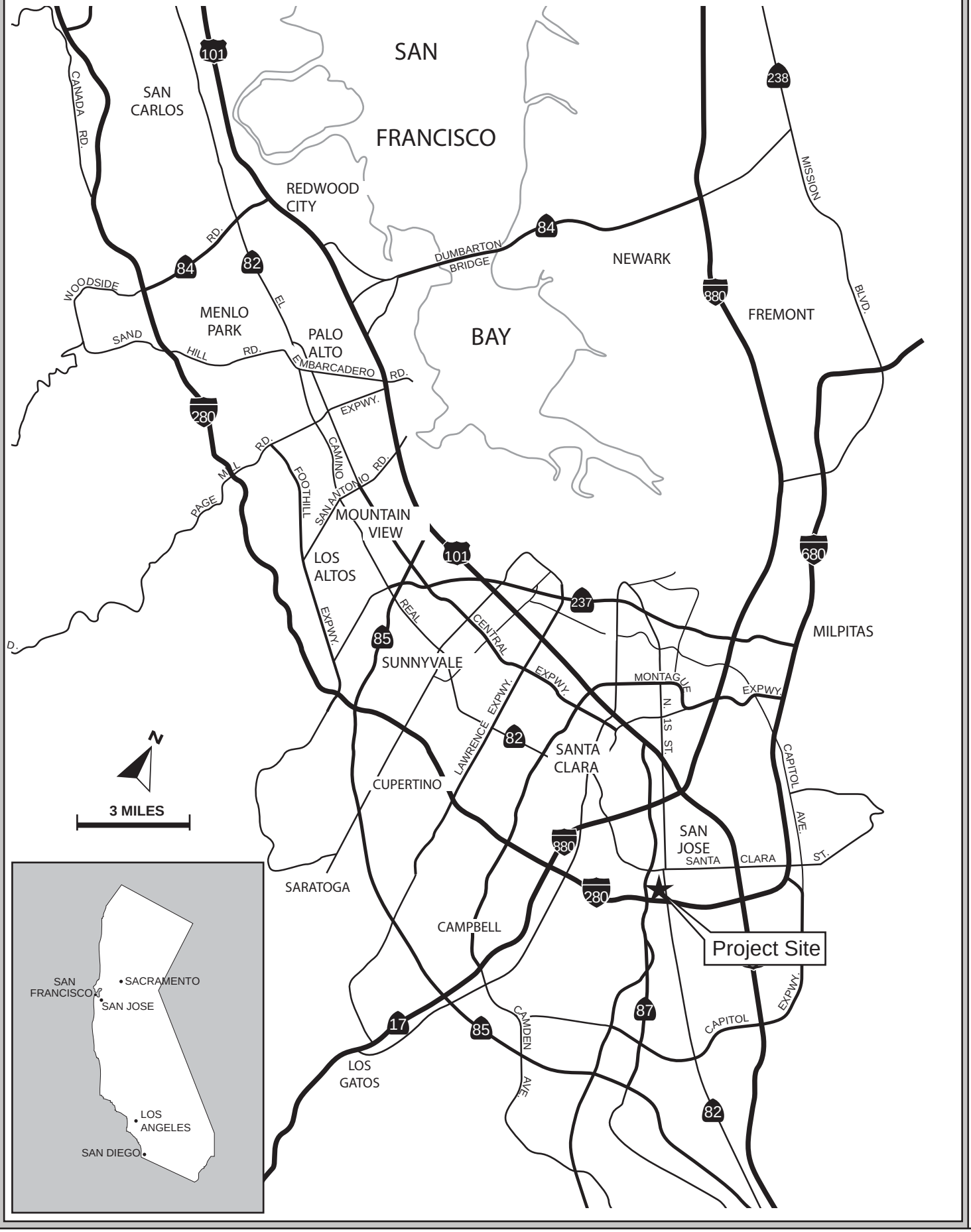
## 2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

General Plan Designation: *Downtown*

Zoning District: *Downtown Commercial Neighborhood Transition 1 (DC-NT1)*

## 2.7 HABITAT CONSERVATION PLAN (HCP) DESIGNATION AND INFORMATION

| | |
|---|---|
| Land Cover Designation: | Urban - Surburban |
| Development Zone: | A4- Urban Development greater than two acres |
| Fee Zone: | D: Urban Intensification Area |
| Owl Conservation Zone: | A: North San Jose/Baylands Region, high value |




REGIONAL MAP FIGURE 2.2-1


VICINITY MAP

FIGURE 2.2-2


AERIAL MAP AND SURROUNDING LAND USES

FIGURE 2.2-3

# SECTION 3.0 PROJECT DESCRIPTION

## 3.1 OVERVIEW

The approximately 1.99-acre project site is currently occupied by a number of commercial businesses including an architectural office, a rental car storage lot, comic book art gallery, automobile audio equipment installation shop, florist, and parking lot. Vehicular access to the site is provided from driveways on South First Street, Reed Street, and Pierce Avenue. The five existing commercial buildings and parking lots would be removed to accommodate redevelopment of the site with residential and commercial uses.

## 3.2 PROPOSED DEVELOPMENT

The project proposes construction and operation of a seven-story, 232 residential unit apartment building with approximately 4,300 to 5,200 square feet of ground floor commercial space. The building lobby and leasing office would be located at the corner of Pierce Avenue and South Market Street. A Wi-Fi café, two townhouse units, and a fitness center are proposed for the South Market/First Street frontage. A bike shop, for use by the residents, and six residential units, including four townhomes, would be located at ground level on Reed Street (refer to Figure 3.2-1). The proposed Wi-Fi café is planned as an amenity for residents of the building but could potentially be operated by a third party for use by the public which would increase the commercial space on the site to approximately 5,200 square feet as noted above. Market-rate apartments ranging from studios to two-bedroom units, would occupy the second to seventh floors of the building (refer to Figures 3.2-2 and 3.2-3). The proposed apartment units would range in size from approximately 655 square feet to 1,050 square feet. The six townhouse units would range from approximately 1,010 square feet to 1,243 square feet in size. A recreation center, pool, and spa would be provided on the third floor of the building (refer to Figure 3.2-2).

### 3.2.1 Building Heights and Setbacks

The proposed seven-story building would be up to approximately 86 feet in height including architectural elements and mechanical equipment screens (refer to Figure 3.2-4). The proposed project would have no setbacks from the sidewalk along all street frontages and would be set back approximately 15 feet from adjacent residential property lines to the west. In addition to the approximate 15-foot setback from the western property line, units on levels three to five would be stepped back approximately 20 feet from the western edge of the building (to provide an approximate 35-foot setback from the property line on these upper levels). In addition, the northern portion of the building would not have any westward facing units on levels six and seven (refer to Figure 3.2-3). The proposed stepping back of the building on the western edge would maintain the required daylight plane to the adjacent residential neighborhood.

### 3.2.2 Site Access and Parking

The project would include an at-grade two-story parking garage screened from the street by the proposed ground floor uses. Vehicular access to the first floor of the parking garage would be provided from Pierce Avenue and direct ramp access to the second floor parking garage would be

provided from a driveway on Reed Street. The project would provide 323 parking stalls, 48 motor bike parking stalls, and 58 bike parking stalls in the parking garage.

Commercial loading areas are proposed on Pierce Avenue and Reed Street which would be designated by a 26-foot painted curb. The loading zone on Pierce Avenue would be provided on the east side of the project driveway with access to Lobby 1. On Reed Street, the loading zone is also proposed east of the project driveway with access to Lobby 3. Loading areas would also be provided within the Level 1 parking garage, across from the visitor parking areas, and would be accessible to residents and commercial uses as well. The Level 2 parking garage loading zone would be located near Lobby 2 and would be accessible to residents only.

### 3.2.3 Open Space and Landscaping

An approximately 21,300 square foot landscaped courtyard would be provided on the third floor of the building (refer to Figure 3.2-3). This common open space would include a pool and spa. In addition, an approximately 920 square foot roof deck would be provided on the western side of building level six (refer to Figure 3.2-3).

The project proposes to remove approximately 31 trees from the site and retain approximately 24 trees located along the western property boundary. The project also proposes to retain three street trees on Pierce Avenue and two street trees on Reed Street. Ten street trees would be removed from Pierce Avenue, South Market/First Street, and Reed Street. The project proposes to plant 14 street trees, 12 trees along the western property line and 36 trees on the courtyard level of the building.

### 3.2.4 Demolition and Grading

The project would demolish the five one- to two-story commercial buildings currently on the site. Excavation would be required in various locations on the site to a depth of two feet to remove contaminated soils and eight feet to remove an underground storage tank at 545 South Market Street. The project would require export of approximately 100 to 200 cubic yards of soil from the site.

Several elements of the existing buildings on the site are targeted to salvage and incorporate into the proposed project prior to demolition. The proposed building would incorporate and/or re-use the following materials:

- Beams and columns from 60 Pierce Avenue may be re-used as architectural elements on the exterior elevations of the building as well as in the new fitness center,
- The Firestone emblem and Salvation Army sign may be re-used in the fitness center or club room,
- The far western portion of the brick wall from 60 Pierce Avenue building may be used as an entrance to the paseo along the western property line,
- Two iron gates from the 60 Pierce Avenue building may be incorporated in the exterior walls, and
- Asphalt will be recycled.

### 3.2.5 Construction Schedule

The project is anticipated to require 24 months to complete from demolition and grading through construction of the proposed mixed-use building. Demolition and grading of the site is anticipated to take approximately two months to complete. Construction of the proposed commercial space and apartment units would take approximately 22 months to complete.

### 3.2.6 Green Building Measures

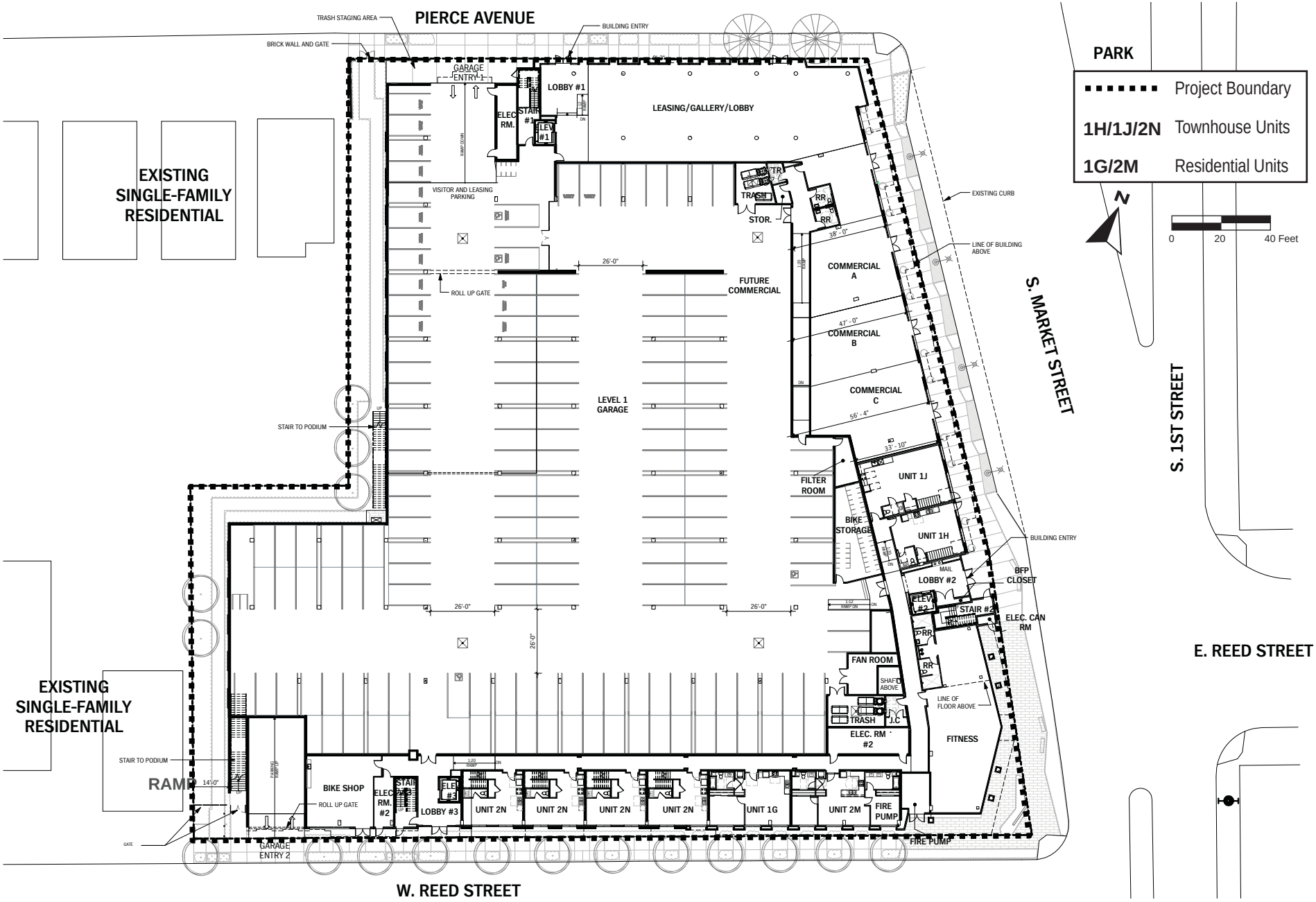
The proposed project would comply with the City's Green Building Ordinance through the incorporation of measures qualifying the project for the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) Silver certification. The project proposes to implement the following green building measures and design features to reduce energy use on the site:

- Recycling and re-use of building materials,
- Low flow plumbing fixtures,
- Drip irrigation system and drought-tolerant landscaping,
- High-efficiency lighting,
- EnergyStar™ Appliances,
- Electric car chargers, and
- Car-sharing program.

### 3.2.7 Transportation Demand Management (TDM) Program

The proposed project would include TDM measures to reduce vehicle trips resulting from the project. The proposed TDM measures include the following:

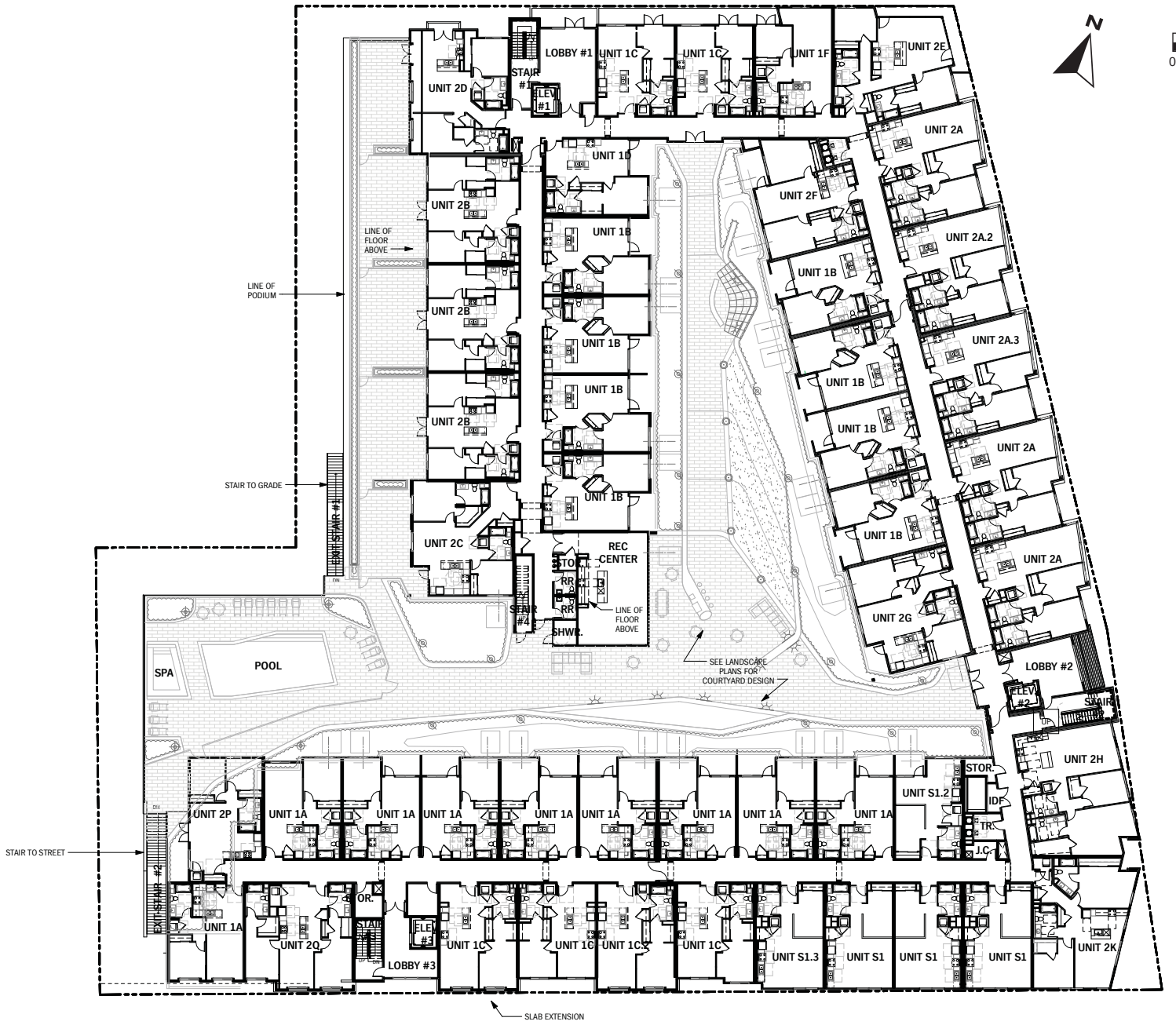
- Bike shop and bike parking,
- Motorcycle parking,
- On-site amenities (fitness center, pool, spa, showers, changing rooms, etc.),
- Video-conferencing in business center, and
- Car-sharing program.




Source: Steinberg Architects, 2013

PROPOSED FIRST FLOOR PLAN

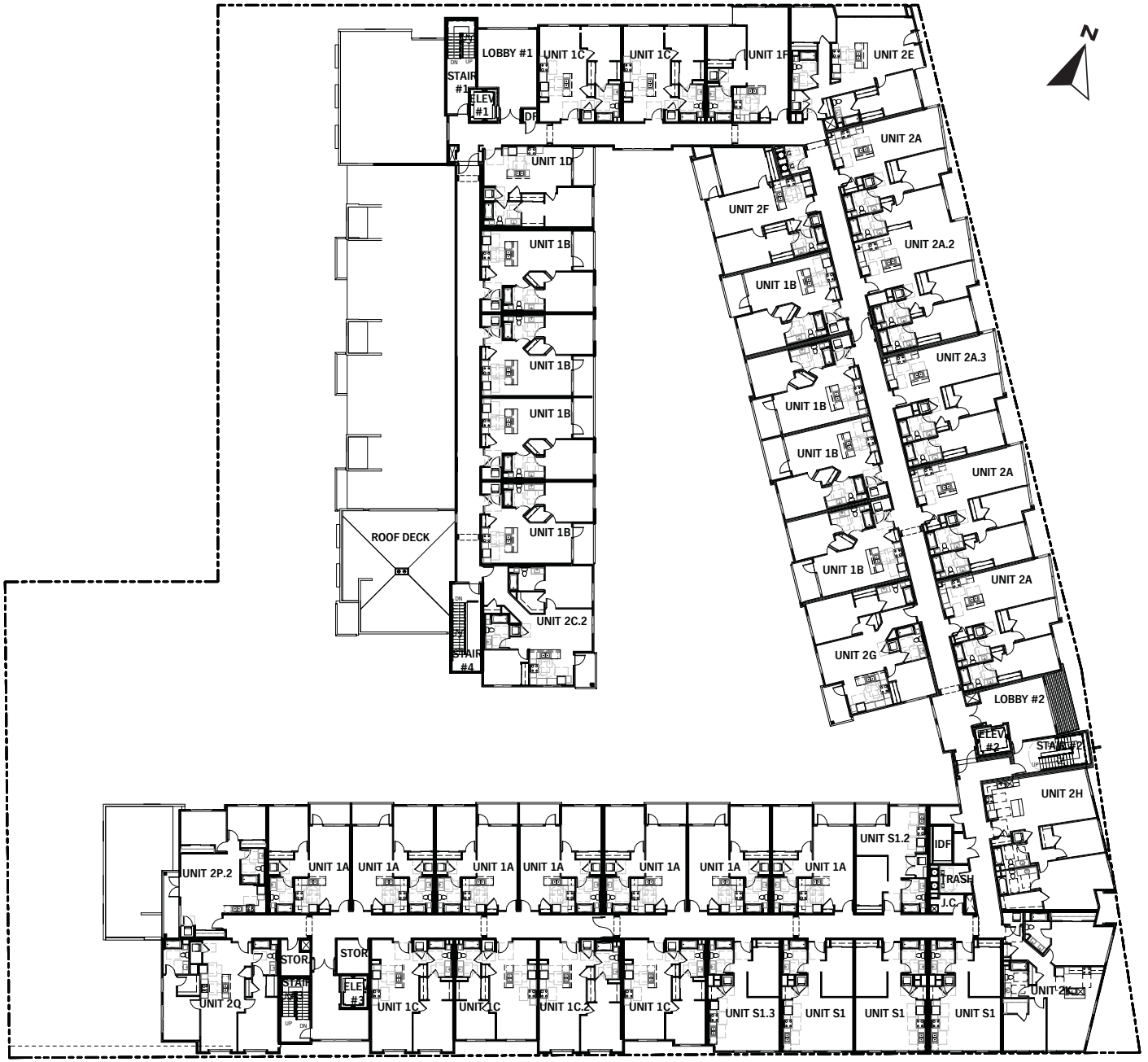
FIGURE 3.2-1




Source: Steinberg Architects, 2013

PROPOSED THIRD FLOOR PLAN

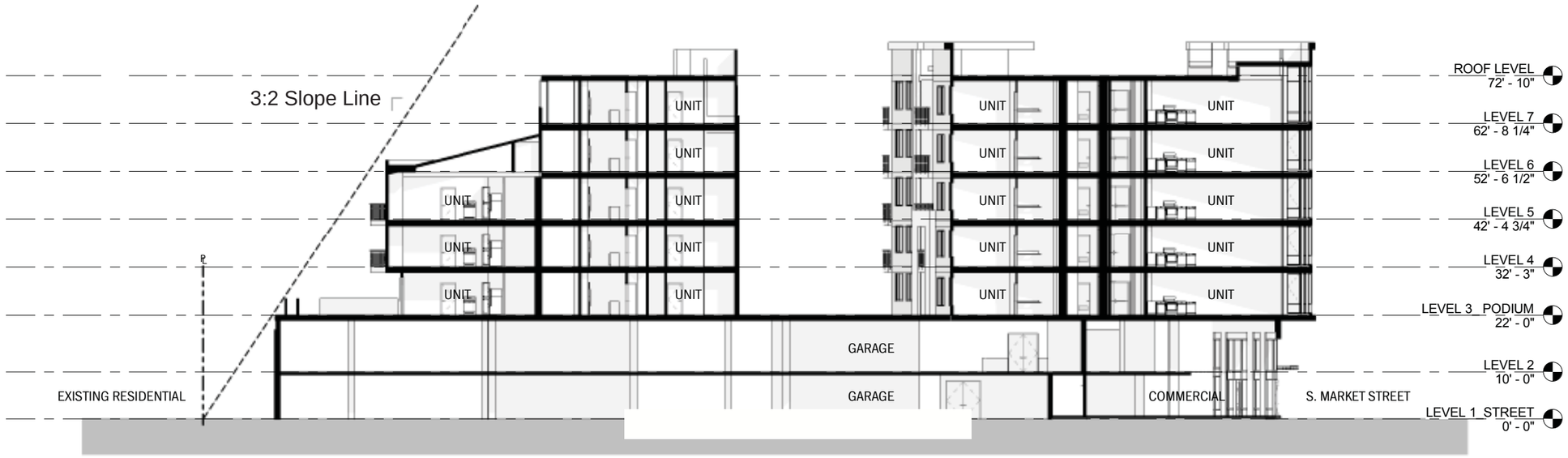
FIGURE 3.2-2




Source: Steinberg Architects, 2013

PROPOSED SIXTH FLOOR PLAN

FIGURE 3.2-3




Section Facing North


Section Facing East

Source: Steinberg Architects, 2013

PROPOSED BUILDING SECTIONS

FIGURE 3.2-4

# SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS

In accordance with CEQA Sections 21093(b), 15152(a), this Addendum tiers off the City of San José's Downtown Strategy 2000 FEIR (approved June 2005) and the General Plan FEIR (approved November 2011). The General Plan FEIR evaluated the *Downtown* land use designation for the site and the Downtown Strategy 2000 FEIR evaluated up to 10 million square feet of office, 1.2 million square feet of retail space, 10,000 residential units, and 2,500 hotel guest rooms within Downtown San José. The General Plan FEIR also evaluated additional dwelling units in the Central/Downtown planning area.

The amount of residential and commercial development proposed for the site was included and analyzed in the certified 2005 Downtown Strategy 2000 FEIR and the certified 2011 General Plan FEIR, at a program level. This Addendum evaluates the project-specific environmental impacts that were not addressed in the two previously certified FEIRs. Because the proposed project results in minor technical project changes with no new significant impacts, and would not require major revisions to the previously prepared EIRs, an Addendum has been prepared for the proposed project (CEQA Guidelines Sections 15162 and 15164), rather than a supplemental or subsequent EIR.

This section, *Section 4.0 Environmental Checklist, Impacts, and Mitigation Measures* describes any changes that have occurred in existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project or the changed conditions. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, was used to compare the environmental impacts of the "Proposed Project" with those of the "Approved Project" (i.e., development approved in the Downtown Strategy 2000 FEIR and General Plan FEIR) and to identify whether the proposed project would likely result in new significant environmental impacts not previously evaluated in either FEIR. The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified in *Section 5.0*.

Mitigation measures are identified for all significant project impacts. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). This analysis assumes all applicable mitigation measures identified in the previous program EIRs will be implemented by the project.

# 4.1 AESTHETICS

## 4.1.1 Setting

### 4.1.1.1 *Project Site*

The project site is currently occupied by five buildings and associated parking lots on South Market Street and West Reed Street. The buildings are a mixture of brick, concrete/masonry, and wood construction. Views of the site are shown in Photos 1-4.

Three of the five buildings are oriented along the S. Market/First Street frontage (Photos 1 and 2). At the northeastern corner of the site, a parking lot with a kiosk type building is bordered by signage (Photos 1 and 3) and a two-story brick and wood structure, with boarded up windows at street level. The commercial building at 575 S. Market has windows at street level and the adjacent structure at 599 S. First Street has an open area from which passing pedestrians can look into businesses and the structure of the open porch, or porte-cochere of the building. The buildings along S. Market/First Street have no setback from the sidewalk and this roadway corridor is heavily traveled by vehicles.

The project site also extends between Pierce Avenue and West Reed Streets, behind the buildings fronting on S. Market/First Street. On Pierce Street, a brick facade and ornamental gate front the sidewalk on the south side of the street (Photo 4). A landscaped parking lot that serves the building at 60 Pierce Avenue fronts the north side of Reed Street.

### 4.1.1.2 *Surrounding Visual Character*

The project site is surrounded by existing urban development and roadways. Adjacent commercial and residential development is comprised of one- to three-story structures with varying setbacks from the sidewalk. These buildings are constructed with wood, stucco and brick building materials. Views of surrounding development are shown in Photos 5 – 8. The project site is approximately one block northwest of Interstate 280, an eight-lane freeway elevated above the South First Street roadway (Photo 8).

**Photo 1 –** View of the S. Market/First Street frontage looking southwest from the gore point of S. First and S. Market Streets.


**Photo 2 –** View of the project site and South Market Street corridor looking northwest from the vicinity of Reed Street and South First Street, towards Downtown Core.

**Photo 3 –** View of the on-site rent-a-car parking lot at S. Market Street and Pierce Avenue.


**Photo 4 –** View of project site at 60 Pierce Avenue frontage, looking southeast.

**Photo 5 –** View of residential streetscape on Pierce Avenue within the Market Almaden Conservation Area.

**Photo 6 –** View of the apartment building on South First Street at Pierce Avenue, north of project site.

**Photo 7 –** View of nearby development at 598 S. First at E. Reed Street looking northeast from the project site.

**Photo 8–** View of commercial building at 601 S. First Street and I-280 overcrossing, south of the site.

#### 4.1.1.3 *Scenic Views*

The project site is flat and does not provide scenic views of the Diablo foothills to the east or Santa Cruz Mountains to the west. The project area has been developed for over 100 years and no natural scenic resources, such as trees or rock outcroppings, are present on the site or in the project area.

#### 4.1.1.4 *Applicable Plans, Policies, and Regulations*

**State Scenic Highways Program**

The State Scenic Highways Program was created by the California State Legislature in 1963 and is under the jurisdiction of the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The state laws governing the Scenic Highway Program are found in the Streets and Highway Code, Sections 260 through 263. There are no designated scenic highways visible from the project site.

**Envision San José 2040 General Plan**

The proposed project is located along a designated Gateway in the Envision 2040 General Plan. The *Envision San José 2040 General Plan Final EIR* (General Plan FEIR) found that the implementation of General Plan policies generally would avoid or substantially reduce impacts to natural scenic views from key gateways in the City.

The City's goal is to create and maintain attractive Gateways into San José and attractive major roads through San José, including freeways and Grand Boulevards, to contribute towards the positive image of the City. The Envision 2040 General Plan includes the following policies applicable specifically to development along Gateways and development projects in Downtown San José:

*Policy CD-1.1:* Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

*Policy CD-1.7:* Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.

*Policy CD-1.8:* Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.

*Policy CD-1.9:* Give the greatest priority to developing high-quality pedestrian facilities in areas that will most promote transit use and bicycle and pedestrian activity. In pedestrian-oriented areas such as Downtown, Urban Villages, or along Main Streets, place commercial and mixed-use building frontages at or near the street-facing property line with entrances directly to the public sidewalk,

provide high-quality pedestrian facilities that promote pedestrian activity, including adequate sidewalk dimensions for both circulation and outdoor activities related to adjacent land uses, a continuous tree canopy, and other pedestrian amenities. In these areas, strongly discourage parking areas located between the front of buildings and the street to promote a safe and attractive street facade and pedestrian access to buildings.

*Policy CD-1.11:* To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid blank walls that do not enhance the pedestrian experience. Encourage inviting, transparent facades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays.

*Policy CD-1.23:* Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

*Policy CD-1.26:* Apply the Historic Preservation Goals and Policies of this Plan to proposals that modify historic resources or include development near historic resources.

*Policy CD-1.27:* When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.

*Policy CD-6.2:* Design new development with a scale, quality, and character to strengthen Downtown's status as a major urban center.

*Policy CD-6.8:* Recognize Downtown as the hub of the County's transportation system and design buildings and public spaces to connect and maximize use of all types of transit. Design Downtown pedestrian and transit facilities to the highest quality standards to enhance the aesthetic environment and to promote walking, bicycling, and transit use. Design buildings to enhance the pedestrian environment by creating visual interest, fostering active uses, and avoiding prominence of vehicular parking at the street level.

*Policy CD-10.2:* Require that new public and private development adjacent to Gateways, freeways (including U.S.101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87), and Grand Boulevards consist of high-quality architecture, use high-quality materials, and contribute to a positive image of San José.

*Policy CD-10.3:* Require that development visible from freeways (including U.S.101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87) be designed to preserve and enhance attractive natural and man-made vistas.

**Downtown Strategy 2000**

The proposed project is located within the South of First Area (SoFA) of the Downtown Strategy 2000 plan boundaries. The Downtown Strategy serves as the action guide for development activities in the Greater Downtown. The following applicable guidelines and concepts were identified in the Downtown Strategy 2000 FEIR to reduce aesthetic impacts from development projects in Downtown San José:

*Building Heights*

a. Design and build buildings with appropriate heights in new SoFA development, recognizing the desired pedestrian character of the area, the height of historic buildings, the scale of existing structures including the freeway, and the height and scale of downtown to the north and residential neighborhoods to the east and west.

*Streetscape and the Public Realm - Transitions, Connections and Linkages*

a. Design buildings in proposed developments that make appropriate transitions to neighborhoods and lower scale buildings that are adjacent or proximate.

*Design Guidelines*

b. Streets, Sidewalks and Paseos

- Definition of streets and sidewalks by their placement along the lower floors of buildings against the street edge.

c. Building Form

- Roofscapes and distinctive design for interesting views to and from the building.

f. Building Context

- Existing buildings shall provide the architectural context for new buildings.
- Infill development shall be compatible with existing buildings.

*Transportation and Access*

1. Incorporate a pedestrian orientation in new development, including appropriate site planning, human-scale street frontages, ground floor uses, and integration with adjacent transit stops, to ensure walkability and integration with the existing downtown. Incorporate bicycle amenities into transportation and streetscape planning.

*Urban Fabric*

a. Create a walkable and pedestrian oriented environment in SoFA (relatively small grain and texture of development), including paseos, crosswalks, wide sidewalks, and building entrances for uses that front the streets.

b. Establish a pedestrian oriented city block pattern with no frontage of a block longer than about 350 feet between streets and paseos.

c. Maintain relatively small building footprints in the predominantly residential and historic areas of SoFA, and allow larger building footprints in the mixed-use and commercial areas without historic structures.

*Historic Buildings and Places*

a. Recognize the historic structures and places in SoFA, the character that they convey for the area, and use rehabilitation and adaptive reuse wherever feasible for historical buildings.

c. Respect the height, scale, massing and character of existing historic resources with adjacent and proximate new development.

*Building Edges and Transitions*

c. Design parking facilities that have minimum impact on the pedestrian realm of SoFA, both visually and in uses along street frontages.

*Walkability*

a. Make SoFA a walkable area by providing generous sidewalks, better intersections, crosswalks at all feasible intersections, and by carefully defining areas for vehicular traffic.

b. Establish a walkable city block pattern with frontages of blocks that are relatively short between streets and paseos.

*Urban Form and Buildings*

2. Design exterior lighting and building signage with a conscious effort to create the nighttime cityscape of the downtown, in coordination with the Lick Observatory.

*Building Character*

- Lighting of building exteriors shall highlight facades and noteworthy features, but adjacent areas that are sensitive to nighttime lighting (e.g., the San José International Airport and Lick Observatory) shall be considered and respected.

### 4.1.2 Aesthetics Impacts

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 1. Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 3. Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-4 |

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 4. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-4 |

Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character will differ among individuals. One of the best available means for assessing what constitutes a visually acceptable standard for new buildings are the City's design standards and implementation of those standards through the City's design process. The following discussion addresses the proposed changes to the visual setting of the project area and factors that are part of the community's assessment of the aesthetic values of a project's design, consistent with the assumptions in the General Plan, the General Plan FEIR, and Downtown Strategy 2000 FEIR.

#### 4.1.2.1 *Impact to Scenic Views or Scenic Resources*

The project site is located within the South First Area (SoFA) of Downtown San José. The site is not located along a state scenic highway or designated rural scenic corridor. Views of the project area site are limited to the immediate area. The site can be seen briefly from passersby on Interstate 280 (I-280) which is not designated or eligible for listing as a state scenic highway along the segment of the freeway passing through Downtown San José.

Implementation of the proposed project would not substantially block scenic views and is not anticipated to have a substantial effect on a scenic vista.

The glimpse of the proposed building that will be seen by drivers on I-280 would not obstruct larger views of the Diablo foothills and Santa Cruz Mountains in the direct line-of-sight of drivers on the section of the freeway south of the project site. The proposed building, although visible from the freeway, would contribute to the visual presence of the Downtown area but would not substantially block scenic views or scenic resources.

Redevelopment of this site, therefore, would not have a significant adverse effect on a scenic vista or damage scenic resources within a state scenic highway. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.1.2.2 *Change in Visual Character*

The project would construct a seven-level, 72-foot tall building, at roof level, with architectural elements including rooftop equipment enclosures extending up to 86 feet that would be built up to the sidewalk on the three street frontages. Although the proposed building would represent a substantial visual change from the existing development on the site, it is consistent with the type of development planned for this location in the Envision 2040 General Plan and the Downtown Strategy

2000. Similar to the proposed building, residential development to the north of the site and commercial development to the south is built up to the sidewalk. Consistent with the policies of the *Envision San José 2040 General Plan*, the building lobby, fitness center and bike shop uses are proposed on the street frontages of the site which will activate the pedestrian environment in the area. Utilities and parking areas are located within the interior of the building, shielding them from the street frontage and pedestrian oriented areas of the street environment.

The proposed building height of up to 86 feet is substantially greater than most buildings in the project area. The project site is across Pierce Avenue from a four-story multi-family residential building to the northeast, which is the tallest building in the immediate area. The project proposes a landscaped podium courtyard and stepping back from two levels, to five levels to seven levels to reduce visual massing from the residential areas west of the site (refer to Figure 3.2-4). In conformance with transition policies and requirements in the City's zoning ordinance and Residential Design Guidelines, the height of the building would step-back from the adjacent residential neighborhood to the west in order to make an appropriate transition to adjacent lower scale buildings. This stepping back from lower scale buildings and provision for maintaining a specific daylight plane is consistent with the *Transition and Urban Design Concepts, Strategies and Actions* for the SoFA District in the City's Downtown Strategy.

The project is required to incorporate high-quality architecture and materials in the building design to conform to the Attractive Gateway policies of the General Plan and to include streetscape features to make SoFA a walkable area. The project includes floor to ceiling windows in commercial and leasing spaces, articulated facades and rooftops, and varied building materials including siding, stucco, and brick. The project will also provide a continuous row of street trees along all frontages with accent paving, planter pots, and landscaping permeable cobble blocks on South First Street. The proposed project, therefore, would not substantially degrade the existing visual character or quality of the site and its surroundings. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.1.2.3 *Light and Glare Impacts*

As discussed above, development on the project site would be visible from the immediate area and I-280. The General Plan FEIR concluded that while new development and redevelopment under the General Plan could create additional sources of nighttime light and daytime glare, implementation of adopted plans, conformance with adopted policies and regulations and with General Plan policies would avoid substantial light and glare impacts. In addition, the project is required to comply with all applicable urban design concepts adopted as part of the Downtown Strategy 2000. The project site is within the Downtown Core which is exempt from City Council Lighting Policies 4-2 and 4-3, however, the final lighting plans will be reviewed subsequent to approval of the site development permit and will be approved through a permit amendment or adjustment. As a result, the proposed project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.1.3 Conclusion

Implementation of the proposed project would have the same less than significant aesthetic impact as previously identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

## 4.2 AGRICULTURE AND FORESTRY RESOURCES

### 4.2.1 Setting

#### 4.2.1.1 *Agricultural Resources*

According to the Santa Clara County Important Farmland 2010 map, the project site is designated as *Urban and Built-Up Land*. *Urban and Built-Up Land* is defined as residential land with a density of at least six units per 10-acre parcel, as well as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures.

Currently, the project site is not used for agricultural purposes and is not the subject of a Williamson Act contract.[1] The site is located within an urban area of San José and there is no property used for agricultural purposes adjacent to the project site.

#### 4.2.1.2 *Forestry Resources*

The project site does not contain any forest land and no forest or timberland is located in the vicinity of the project site.

#### 4.2.1.3 *Applicable Plans, Policies and Regulations*

**California Department of Conservation**

The California Department of Conservation (DOC), under the Division of Land Resource Protection, has set up the Farmland Mapping and Monitoring Program (FMMP), which monitors the conversion of the state's farmlands to and from agricultural uses. The map series identifies eight classifications and uses a minimum mapping unit size of 10 acres. The FMMP also produces a biannual report on the amount of land converted from agricultural to non-agricultural use. The FMMP sets standards and relies upon information from National Resource Conservation Service (NRCS) soil surveys, NRCS land inventory and monitoring criteria, and land use and water availability. While the FMMP provides an informational service, it does not constitute state regulation of local land use decisions.

**Board of Forestry and Fire Protection**

The Board of Forestry and Fire Protection is a government-appointed body within the Department of Forestry and Fire Protection (CAL FIRE). It is responsible for developing the general forest policy of the state, for determining the guidance policies of CAL FIRE, and for representing the state's interest in federal forestland in California. Together, the Board and CAL FIRE work to carry out the California Legislature's mandate to protect and enhance the state's unique forest and wildland resources.

[1] The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value.

The Board is charged with protecting the forest resources of all the wildland areas of California that are not under federal jurisdiction. These resources include major commercial and non-commercial stands of timber, areas reserved for parks and recreation, the woodland, brush-range watersheds, and all such lands in private and state ownership that contribute to California's forest resource wealth.

### 4.2.2 Agriculture and Forestry Resources Impacts

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☒ | ☐ | 5 |
| 2. Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ | ☐ | 5 |
| 3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | ☐ | ☐ | ☐ | ☒ | ☐ | 1,4 |
| 4. Result in a loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |
| 5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |

#### 4.2.2.1 *Agricultural Resource Impacts*

As discussed above, the project site is not designated as farmland or used for agricultural purposes. For these reasons, the proposed project would not result in any significant impacts to agricultural resources. **[Same Impact as Approved Project (No Impact)]**

#### 4.2.2.2 *Forestry Resource Impacts*

None of the properties adjacent to the project site or in the vicinity are used or zoned for forestry and, therefore, the proposed project would not impact forest resources. **[Same Impact as Approved Project (No Impact)]**

### 4.2.3 Conclusion

Implementation of the proposed project would have no impacts on agricultural or forest resources, consistent with the findings of the Downtown Strategy 2000 FEIR and the General Plan FEIR. [**Same Impact as Approved Project (No Impact)]**

## 4.3 AIR QUALITY

The following discussion is based in part on an Air Quality Community Risk Assessment prepared by *Illingworth & Rodkin, Inc.* in May 2013. A copy of this report is included as Appendix A in this Addendum.

### 4.3.1 Setting

#### 4.3.1.1 *Climate and Topography*

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. This portion of the Santa Clara Valley is bounded to the north by the San Francisco Bay and the Santa Cruz Mountains to the southwest and the Diablo Range to the east. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the valley's northwest-southwest axis.

Pollutants in the air can cause health problems, especially for children, the elderly, and people with heart or lung problems. Healthy adults may experience symptoms during periods of intense exercise. Pollutants can also cause damage to vegetation, animals, and property.

#### 4.3.1.2 *Regional and Local Criteria Pollutants*

Major criteria pollutants, listed in "criteria" documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms.

Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and $PM_{2.5}$ and state standards for $PM_{10}$. The area is considered attainment or unclassified for all other pollutants.

#### 4.3.1.3 *Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter*

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). These contaminants tend to be localized and are found in relatively low concentrations in ambient air. However, they can result in adverse chronic health effects if exposure to low concentrations occurs for long periods.

Fine Particulate Matter ($PM_{2.5}$) is a complex mixture of substances that includes elements such as carbon and metals; compounds such as nitrates, organics, and sulfates; and complex mixtures such as diesel exhaust and wood smoke. Long-term and short-term exposure to $PM_{2.5}$ can cause a wide range of health effects.

Common stationary source types of TACs and $PM_{2.5}$ include gasoline stations, dry cleaners, and diesel backup generators which are subject to permit requirements. The other, often more significant, common source is motor vehicles on freeways and roads.

#### 4.3.1.4 *Sensitive Receptors*

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medical clinics. For cancer risk assessments, children are the most sensitive receptors, since they are more susceptible to cancer causing TACs. Existing sensitive receptors near the project site include the surrounding residential uses to the north, south, and west of the project site (refer to Figure 2.2-3).

#### 4.3.1.5 *Applicable Plans, Policies and Regulations*

**Federal, State, and Regional**

Federal, state, and regional agencies regulate air quality in the Bay Area Air Basin, within which the proposed project is located. At the federal level, the USEPA is responsible for overseeing implementation of the Federal Clean Air Act and its subsequent amendments (CAA). The California Air Resources Board (CARB) is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act.

The City of San José is within the San Francisco Bay Area Air Quality Management District (BAAQMD). BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. The BAAQMD has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and state air quality laws and regulations.

The BAAQMD prepared and adopted the Bay Area 2010 Clean Air Plan (CAP). This CAP updates the most recent ozone plan, the 2005 Ozone Strategy. Unlike previous Bay Area CAPs, the 2010 CAP is a multi-pollutant air quality plan addressing four categories of air pollutants:

- Ground-level ozone and the key ozone precursor pollutants (reactive organic gases and nitrogen oxide), as required by State law;
- Particulate matter, primarily $PM_{2.5}$, as well as the precursors to secondary $PM_{2.5}$;
- Toxic air contaminants (TAC); and
- Greenhouse gases.

**Envision San José 2040 General Plan**

The Envision 2040 General Plan includes policies applicable to all development projects in San José. Various policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality, as listed below.

*Policy MS-10.1:* Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.

*Policy MS-13.1:* Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

*Policy MS-13.3:* Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

In addition, goals and policies throughout the Envision 2040 General Plan encourage a reduction in vehicle miles traveled through land use, pedestrian, bicycle, and access to transit improvements, parking strategies that reduce automobile travel through parking supply and pricing management.

### 4.3.2 Air Quality Impacts

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 1. Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,6-8 |
| 2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,7,8 |

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,7,8 |
| 4. Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3, 7- 9 |
| 5. Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |

#### 4.3.2.1 *Project-Level Significance Thresholds*

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José, and other jurisdictions in the San Francisco Bay Area Air Basin, often utilize the thresholds and methodology for assessing air emissions and/or health effects adopted by the BAAQMD based upon the scientific and other factual data prepared by BAAQMD in developing those thresholds. The City has carefully considered the thresholds prepared by BAAQMD in May 2011 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin. Evidence supporting these thresholds has been presented in the following documents:

- BAAQMD. *CEQA Air Quality Guidelines*. Updated May 2011.
- BAAQMD. *Revised Draft Options and Justification Report California Environmental Quality Act Thresholds of Significance.* October 2009.
- California Air Pollution Control Officers Association. *Health Risk Assessments for Proposed Land Use Projects*. July 2009.
- California Environmental Protection Agency, California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective.* 2005.

The analysis in the Addendum is based upon the general methodologies in the most recent BAAQMD CEQA Air Quality Guidelines (dated May 2012) and numeric thresholds identified for the San Francisco Bay Area Air Basin in the May 2011 BAAQMD CEQA Air Quality Guidelines, as shown in Table 4.3-1.

**Table 4.3-1**
**Thresholds of Significance Used in Air Quality Analyses**

| Pollutant | Construction | Operation-Related | |
|---|---|---|---|
| | Average Daily Emissions (pounds/day) | Average Daily Emissions (pounds/day) | Maximum Annual Emissions (tons/year) |
| ROG, $NO_x$ | 54 | 54 | 10 |
| $PM_{10}$ | 82 (exhaust) | 82 | 15 |
| $PM_{2.5}$ | 54 (exhaust) | 54 | 10 |
| Fugitive Dust ($PM_{10}/PM_{2.5}$) | Best Management Practices | None | None |
| Local CO | None | 9.0 ppm (8-hr average) | 20.0 ppm (1-hr average) |
| Risk and Hazards for New Sources and Receptors (Project) | Same as Operational Threshold | • Increased cancer risk of >10.0 in one million<br>• Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute)<br>• Ambient $PM_{2.5}$ increase: > 0.3 $\mu/m^3$<br>[Zone of influence: 1,000-foot radius from property line of source or receptor] | |
| Risk and Hazards for New Sources and Receptors (Cumulative) | Same as Operational Threshold | • Increased cancer risk of >100 in one million<br>• Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute)<br>• Ambient $PM_{2.5}$ increase: > 0.8 $\mu/m^3$<br>[Zone of influence: 1,000-foot radius from property line of source or receptor] | |
| Accidental Release of Acutely Hazardous Materials | None | Storage or use of acutely hazardous materials locating near receptors or new receptors locating near stored or used acutely hazardous materials considered significant | |
| Odors | None | 5 confirmed complaints per year averaged over three years | |

Source: *Bay Area Air Quality Management District CEQA Guidelines* (updated May 2011) and BAAQMD. *Revised Draft Options and Justification Report California Environmental Quality Act Thresholds of Significance*. October 2009.

The BAAQMD CEQA Air Quality Guidelines recommend that projects be evaluated for community risk when they are located within 1,000 feet of freeways, high traffic volume roadways (10,000 average annual daily trips or more), and/or stationary permitted sources of TACs.

#### 4.3.2.2 *Clean Air Plan Consistency*

Determining consistency with the 2010 CAP involves assessing whether applicable control measures contained in the 2010 CAP are implemented. Implementation of control measures improve air quality and protect public health. These control measures are organized into five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures (TCMs), Land Use and Local Impact Measures, and Energy and Climate Measures. Applicable control measures and the project's consistency with them are summarized in Table 4.3-2, below. The project supports the primary goals of the Clean Air Plan in that it does not exceed the BAAQMD thresholds for operational air pollutant emissions and is infill development that provides users of the site with

access to existing transit and services which will reduce vehicle trips. The proposed project is consistent with the following control measures.

**Table 4.3-2**
**Bay Area 2010 Clean Air Plan Applicable Control Measures**

| Control Measures | Description | Project Consistency |
|---|---|---|
| ***Transportation Control Measures*** | | |
| Improve Bicycle Access and Facilities | Expand bicycle facilities serving transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers. | Existing bicycle facilities in the vicinity of the site include the Guadalupe River Trail and planned bike lanes on East Reed Street and a bike route on South First Street from Reed Street to Keyes Street. The project includes bike parking facilities for residents and a bike shop on W. Reed Street. The project is consistent with this control measure. |
| Improve Pedestrian Access and Facilities | Improve pedestrian access to transit, employment, and major activity centers. | The project is designed to be pedestrian oriented and enhance the pedestrian experience. Sidewalks in the project area provide access to bus stops and the Convention Center Light Rail Transit (LRT) Station. The project is consistent with this control measure. |
| Support Local Land Use Strategies | Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling, and transit use. | The project proposes mixed-use development on a site intended for such use in the *Envision San José 2040 General Plan.* The project vicinity is served by existing and planned transit, bicycle, and pedestrian facilities. Based on the transportation options available to future residents, the project is consistent with this control measure. |
| Parking Pricing and Management Strategies | Promote policies to implement market-rate pricing of parking facilities, reduce parking requirements for new development projects, parking "cash-out", unbundling of parking in residential and commercial leases, shared parking at mixed-use facilities, etc. | The City's Zoning Ordinance requires reduced parking ratios for multi-family development within Downtown than would otherwise be required in other areas of the City. For Downtown multi-family development one parking space per residential unit and 2.5 spaces per 1,000 square feet of commercial space (office) is required. Multi-family development outside the Downtown would be required to provide from 1.25 to 1.7 spaces per residential unit and four spaces per 1,000 square feet of commercial space, respectively. Although the proposed project would provide 1.39 spaces per residential unit and one space per 477 square feet of commercial space, which combined is above the City's requirement for Downtown, the project overall would provide approximately 21 spaces less than would otherwise be required for similar development outside of Downtown. |

**Table 4.3-2**
**Bay Area 2010 Clean Air Plan Applicable Control Measures**

| Control Measures | Description | Project Consistency |
|---|---|---|
| ***Energy and Climate Measures*** | | |
| Energy Efficiency | Increase efficiency and conservation to decrease fossil fuel use in the Bay Area. | The project will comply with the 2008 California Energy Code and reduce residential energy consumption by 15 percent over 2005 Title 24 standards. The project will comply with the City's Green Building Ordinance and proposes various measures described in Section 3.2.6 to reduce the energy and water use of the proposed building. The project is consistent with this control measure. |
| Urban Heat Island Mitigation | Mitigate the "urban heat island" effect by promoting the implementation of cool roofing, cool paving, and other strategies. | Although the project does not propose the use of cool roofing or paving, as noted below, landscape tree retention and additional plantings are proposed that mitigate the "urban heat island" effect and thus the project is consistent with this control measure. |
| Tree-Planting | Promote planting of low-VOC-emitting shade trees to reduce urban heat island effects, save energy, and absorb $CO_2$ and other air pollutants. | New landscape trees proposed in the courtyard area, along interfaces with adjacent residences, and on adjacent streets would serve to reduce the urban heat island effect. The project also proposes to retain 29 existing trees on and adjacent to the site. The project may also pay in-lieu fees for tree planting in other areas of the City. Implementation of tree mitigation measures will reduce the urban heat island effect. The proposed project is consistent with this control measure. |

The project includes transportation and energy control measures and is generally consistent with the Clean Air Plan. The project by itself, therefore, would not result in a significant impact related to consistency with the Bay Area 2010 Clean Air Plan. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.3.2.3 *Short-Term Construction-Related Impacts*

**Criteria Air Pollutants and Precursors**

Construction activities would temporarily affect local air quality. Construction activities such as earthmoving, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

The project size does not exceed the screening threshold of 240 apartment units for construction period criteria air pollutant emissions and, therefore, does not require modeling of project construction emissions. The proposed project, therefore, would have a less than significant criteria pollutant emissions impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

**Construction Dust Emissions**

Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when and if underlying soils are exposed to the atmosphere. Construction activities would increase dustfall and locally elevated levels of $PM_{10}$ downwind.

Standard Permit Conditions

The General Plan FEIR concluded that construction emission impacts could be reduced to a less than significant level with the implementation of the Envision 2040 General Plan policies and existing regulations. The Downtown Strategy 2000 FEIR concluded that construction impacts would be mitigated to a less than significant level through the incorporation of BAAQMD control measures. Consistent with City policies, the project shall be developed in conformance with the General Plan policies listed in *Section 4.3.1.5* and the following standard permit conditions, now required of all construction projects in San José, during all phases of construction on the project site to reduce dustfall and locally-elevated particulate matter emissions:

- All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
- Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials shall be covered.
- Damp sweep daily, or more often if necessary, all paved construction areas and adjacent street of dust and debris.
- Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for ten days or more.
- Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replanting of vegetation in disturbed areas as soon as possible after completion of construction.

The following best management practices will also be implemented on the project site to reduce fugitive dust and particulate matter emissions to the extent feasible:

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the City of San José regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

The project will be required to implement the measures listed above as conditions of approval. These measures will be placed on project plan documents prior to issuance of any building permits for the project. The proposed project, therefore, would not result in a significant air quality impact due to construction dust emissions. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

### Construction TAC and $PM_{2.5}$ Health Risks

The closest existing sensitive receptors to the project site are residences on Pierce Avenue and West Reed Street that are adjacent to the western project boundary, with additional residences farther away in the area surrounding the project site. A health risk assessment of the project construction activities evaluated potential health effects at nearby sensitive receptors from construction emissions of diesel particulate matter (DPM). A dispersion model was used to predict the off-site concentrations resulting from project construction to identify lifetime cancer risks. The models and assumptions used are described in detail in Appendix A.

The BAAQMD CEQA Guidelines consider exposure to annual $PM_{2.5}$ concentrations that exceed 0.3 $\mu g/m^3$ from a single source to be significant and an annual $PM_{2.5}$ concentration that exceeds 0.8 $\mu g/m^3$ from cumulative sources to be significant. The health risk assessment of the project construction activities evaluated potential health effects of sensitive receptors at these nearby residences from construction emissions of diesel particulate matter (DPM)[2], in accordance with GP Policy MS-11.2. Results of this assessment indicate that the maximum construction residential child cancer risk is 8.6 in one million and a residential adult cancer risk of 0.4 in one million. These cancer risks are below the significance threshold used for evaluating cancer risk of 10 excess cancer cases per million. Associated non-cancer hazards for DPM would be well below BAAQMD threshold, with a chronic hazard index computed at 0.02. This hazard index is much lower than the significance threshold of greater than 1.0.

Construction activities on the project site would not result in substantial pollutant concentrations of $PM_{2.5}$ or other TACs that would impact sensitive receptors near the project site. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[2] DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.

#### 4.3.2.4 *Operational-Related Impacts from the Project*

**Regional Air Quality**

The BAAQMD *CEQA Air Quality Guidelines* (2011) contain a screening threshold of 494 mid-rise apartment dwelling units for operation-related impacts for criteria pollutants and their precursors (e.g., $NO_x$, ROG, particulate matter). The screening criteria provide lead agencies with a conservative indication of whether a project could result in significant air quality impacts by exceeding the emissions thresholds for criteria pollutants and their precursors shown in Table 4.3-1 (54 lbs. per day for ROG, $NO_x$, or $PM_{2.5}$ and 82 lbs. per day of $PM_{10}$). The project proposes 232 apartment dwelling units which is well below the screening threshold, however, the project would contribute to the greater regional air quality impacts identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR.

Approved Mitigation Measures

The Downtown Strategy 2000 FEIR identified mitigation measures to reduce regional air quality impacts to the extent feasible. The project will implement the following previously approved mitigation measures to reduce the project's contribution to significant regional air quality impacts:

- Design and locate buildings to facilitate transit access (e.g., locate building entrances near transit stops, eliminate building setbacks, etc.);
- Provide preferential parking (e.g., near building entrance, sheltered area, etc.) for carpool and vanpool vehicles;
- Provide safe, direct access for bicyclists to adjacent bicycle routes;
- Provide secure short-term bicycle parking for retail customers or non-commute trips; and
- Provide direct, safe, attractive pedestrian access from Planning Area to transit stops and adjacent development.

The Downtown Strategy 2000 FEIR included mitigation measures to minimize regional air quality impacts but not reduce them to a less than significant level. Although the proposed project would not, by itself, result in any air pollutant emissions exceeding an established significance threshold, it would contribute to the previously identified significant air quality impacts resulting from implementation of the planned development considered in the Downtown Strategy 2000. The project proposes to implement feasible measures to minimize regional air quality impacts and would not result in any new or greater impacts than were previously identified in the Downtown Strategy 2000 FEIR. **[Same Impact as Approved Project (Significant and Unavoidable Impact)]**

**Local Air Quality**

The determination of the project's potential to result in significant local air pollutant emissions (i.e. carbon monoxide) is based on its consistency with the local Congestion Management Program and its potential to add sufficient vehicle trips to one or more intersections that would cause the intersection(s) to exceed 44,000 vehicles per hour. The project is consistent with the local Congestion Management Program and would not contribute vehicle traffic exceeding screening thresholds for carbon monoxide impacts at the intersections affected by the project. The project,

therefore, would not result in any new or greater impacts than were previously identified in the Downtown Strategy 2000 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.3.2.5 *Local Community Risks and Hazards Impacts to the Project*

**Toxic Air Contaminants**

As described above in *Section 4.3.2.1*, the BAAQMD *CEQA Air Quality Guidelines* (2011) recommend that projects be evaluated for community risk when they are located within 1,000 feet of freeways, high traffic volume roadways (10,000 average annual daily trips or more), and/or stationary permitted sources of TACs. A Community Risk Assessment was completed for the project site to identify TAC emission sources within 1,000 feet of the site and their impacts on the proposed project.

A review of the project area indicates that traffic on I-280 and State Highway 82 (South Market Street/South First Street) are the only substantial sources of TAC emissions within 1,000 feet of the project site. Surface streets, other than South First Street and South Market Street, with high volumes of traffic were not identified near the project site. The former San Jose Redevelopment Agency has a permitted emergency generator that is over 800 feet from the site that results in negligible cancer risk to the site. No other nearby stationary sources were identified using BAAQMD's stationary source screening tool.

A review of nearby roadways and traffic information indicates two roadways within 1,000 feet of the project with average daily traffic in excess of 10,000 average daily trips (ADT) or having a high percentage of heavy duty truck traffic – Interstate 280 (I-280) with 235,000 ADT and South First Street with an estimated 20,000 ADT. Due to the nearby roadways with substantial traffic volumes, potential health risks and $PM_{2.5}$ concentrations from traffic emissions were evaluated using an analysis methodology that takes into account local traffic conditions, site-specific meteorology (using the most representative BAAQMD hourly meteorological data set), and roadway from future year exposures.

Cancer Risks

The analysis for the project focused on roadway emissions from I-280 and assumed the site would not be occupied until 2015 or later. I-280 is elevated above ground level in the vicinity of the project site and was modeled at a height of approximately 26 feet. Receptors on the site were modeled at six heights corresponding to the floors of the building. This analysis conservatively assumed long-term residential exposures of 70-years of continuous exposure consistent with BAAQMD's most recent cancer risk calculation method, adopted in January 2010. The cancer risk calculations were based on applying age sensitivity weighting factors for each emissions period modeled. Age-sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs.

The maximum increased cancer risk from I-280 is estimated as 9.9 per million for the receptor closest to Interstate 280 at the southwest corner of the project site. Cancer risks are greatest closest to I-280 and decrease with distance from the highway. The maximum increased cancer risk from

South First Street is estimated as 5.4 per million for the townhouse units at the ground floor adjacent to the roadway. As with I-280 predictions, cancer risks are greatest closest to roadway and decrease with increasing distance from the street. As shown in Table 4.3-3, cancer risk would be below 10 in one million for all units on the project site.

**Table 4.3-3**
**Local Community Risks and Hazards from Mobile Sources**

| Source | Cancer Risk (at closest new receptor) | $PM_{2.5}$ | Non-Cancer Hazard Index |
|---|---|---|---|
| I-280 | 9.9 | 0.31 (0.3 rounded) | 0.1 |
| South First Street | 5.4 | -- | -- |
| *BAAQMD Threshold* | *10 in one million* | *>0.3 μg/m³* | *1.0* |

Notes: The cumulative impact analysis of local community risks and hazards is included in *Section 4.18.2 Cumulative Impacts.*

$PM_{2.5}$ Concentrations

In addition to evaluating the health risks from TACs, potential impacts from $PM_{2.5}$ emissions from vehicles traveling on Interstate 280 were evaluated. $PM_{2.5}$ concentrations were modeled to evaluate the potential impact of exposure to exhaust produced from all traffic on Interstate 280 near the site.

The same basic modeling approach that was used for assessing TAC impacts was used in the modeling of $PM_{2.5}$ concentrations from I-280. Concentrations of $PM_{2.5}$ from South First Street were not evaluated, since the BAAQMD Screening Analysis Tool indicates $PM_{2.5}$ concentrations are well below the significance threshold. $PM_{2.5}$ emission rates from traffic traveling near the site were calculated and dispersion modeling using emission factors and traffic volumes was applied. The maximum annual average $PM_{2.5}$ concentrations occurred at the same receptors that had the maximum cancer risks. The maximum annual $PM_{2.5}$ concentration for the project would be 0.31 $\mu g/m^3$, also occurring at the residence on the southwest corner of the building that would be located closest to I-280. Annual $PM_{2.5}$ concentrations in excess of 0.3 $\mu g/m^3$ were not predicted at the project site. A maximum concentration of 0.31 $\mu g/m^3$ is not considered to exceed a level of 0.3 $\mu g/m^3$.

Non-Cancer Hazard Index

The BAAQMD Highway Screening Analysis Tool was used to determine the hazard index for acute and chronic exposure to I-280 emissions. The hazard index for the site would be less than 0.1, which is well below the BAAQMD threshold of 1.0. No further analysis of acute or chronic exposures was conducted.

Residents of the project site would not be exposed to an increased lifetime cancer risk of greater than 10.0 per million, annual $PM_{2.5}$ concentrations in excess of 0.3 $\mu g/m^3$, or a non-cancer hazard risk of greater than 1.0. The project would not be exposed to substantial pollutant concentrations exceeding the thresholds of significance for TACs as analyzed in the health risk assessment prepared for the

project pursuant to the policies of the Envision 2040 General Plan as identified in the General Plan FEIR to ensure less than significant impacts to sensitive receptors. **Same Impact as Approved Project (Less Than Significant Impact)]**

**Acute Hazards from Accidental Chemical Release**

The proposed project is located in an area with a mix of commercial uses, including automotive retail uses, and residential uses. The project is not located in an industrial or commercial area or near a semi-conductor or similar manufacturer, a commercial refrigeration facility, or a power plant with catalytic reduction pollution controls where substantial quantities of acutely hazardous materials would be stored at a quantity that, if released, could result in a hazard to human health or safety.[3,4] The proposed is consistent with the policies of the Envision 2040 General Plan as identified in the General Plan FEIR to ensure less than significant impacts to sensitive receptors from users of acutely hazardous materials. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.3.2.6 *Odor*

Though offensive odors from stationary sources rarely cause any physical harm, they still remain unpleasant and can lead to public distress generating citizen complaints to local governments. The occurrence and severity of odor impacts depend on the nature, frequency and intensity of the source; wind speed and direction; and sensitivity of receptors. Odor impacts should be evaluated for any proposed new odor sources located near existing receptors, as well as any new sensitive receptors located near existing odor sources. Generally, increasing the distance between a receptor and the source to an acceptable level will mitigate odor impacts. No new stationary odor sources are proposed as part of the proposed project and there are no odor sources in the vicinity of the site that would emit substantial odors with the potential to impact the proposed project. The project, therefore, would not result in any new or greater impacts than were previously identified in the Downtown Strategy 2000 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.3.3 Conclusion

With implementation of the identified mitigation measures, the project would result in the same construction dust impacts as those identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

[3] BAAQMD does not identify specific separation distances in thresholds for accidental release of acutely hazardous air pollutants in its 2011 CEQA Guidelines. The thresholds of significance justification discussion (Appendix D of the Guidelines) notes that any project resulting in receptors being within the Emergency Response Planning Guidelines (ERPG) exposure level 2 would have a significant air quality impact. ERPG exposure level 2 is defined as "the maximum airborne concentration below which it is believed that nearly all individuals could be exposed for up to one hour without experiencing or developing irreversible or other serious health effects or symptoms which could impair an individual's ability to take protective action." The project site is not near facilities in San José where airborne acutely hazardous materials are an environmental concern.

[4] Williams, Ruben. Senior Hazardous Materials Specialist, Santa Clara County Department of Environmental Health. Personal communication. October 7, 2013.

The Downtown Strategy 2000 FEIR included mitigation measures to minimize regional air quality impacts but not reduce them to a less than significant level. Although the proposed project would not, by itself, result in any air pollutant emissions exceeding an established significance threshold, it would contribute to the previously identified significant air quality impacts resulting from implementation of the planned development considered in the Downtown Strategy 2000. The project proposes to implement feasible measures to minimize regional air quality impacts and would not result in any new or greater impacts than were previously identified in the Downtown Strategy 2000 FEIR. **[Same Impact as Approved Project (Significant and Unavoidable Impact)]**

The project would not be exposed to substantial pollutant concentrations exceeding the thresholds of significance for TACs as analyzed in the health risk assessment prepared for the project pursuant to the policies of the Envision 2040 General Plan as identified in the General Plan FEIR to ensure less than significant impacts to sensitive receptors. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The project would result in the same air quality impacts for construction TACs, carbon monoxide, acute hazards, and odors as those identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

## 4.4 BIOLOGICAL RESOURCES

The following discussion is based in part on a Preliminary Arborist Report prepared by *HortScience, Inc.* in June 2013. A copy of this report is included as Appendix B to this Addendum.

### 4.4.1 Setting

#### 4.4.1.1 *Existing Conditions*

The project site is located in a developed urban area of Downtown San José. The project site is developed with five buildings and associated parking lots containing landscape trees. Due to the extensive history of development on the project site, there is no native vegetation on-site. There are no creeks or rivers located on or adjacent to the site.

Habitats in developed urban areas are relatively low in species diversity. Species that use this habitat are urban adapted birds, such as Rock Dove, Mourning Dove, House Sparrow, Scrub Jay, and Starling. Based upon the developed habitats found on the site, no special-status plant or animal species are expected to be present.

**Mature Trees**

A tree survey was completed for the project site in November 2012. The survey found 10 tree species present, none of which are native, and a total of 70 trees on or directly adjacent to the project site. A summary of the tree survey is included in Table 4.4-1. The most frequently occurring species on the site is European birch, located primarily in the parking lot for 60 Pierce Avenue on the southwest portion of the site and along the site's interface with adjacent residential uses to the west. Nine Callery pears are located primarily on the north side of the southwestern parking lot and an additional nine London planes are planted as street trees along all roadway frontages of the site.

**Table 4.4-1**
**Tree Survey Summary**

| Common Name | Scientific Name | Diameter in Inches | | | Total # of Trees | Tree Condition* | | |
|---|---|---|---|---|---|---|---|---|
| | | 1-11 | 12-17 | 18+ | | Poor | Fair | Good |
| Callery pear | *Pyrus Calleryana* | 9 | -- | -- | 9 | 1 | 3 | 5 |
| Chinese pistache | *Pistacia chinensis* | 1 | -- | -- | 1 | -- | -- | 1 |
| Deodar cedar | *Cedrus deodara* | -- | -- | 1 | 1 | -- | -- | 1 |
| European birch | *Betula pendula* | 34 | 5 | 1 | 40 | 6 | 23 | 11 |
| Fig | *Ficus carica* | -- | 1 | -- | 1 | -- | 1 | -- |
| Jacaranda | *Jacaranda mimosifolia* | -- | -- | 2 | 2 | -- | 1 | 1 |
| London plane | *Platanus x hispanica* | -- | 8 | 1 | 9 | -- | 1 | 8 |
| Monterey pine | *Pinus radiata* | -- | 1 | 2 | 3 | -- | 1 | 2 |
| Myoporum | *Myoporum laetum* | -- | -- | 1 | 1 | -- | -- | 1 |
| Raywood ash | *Fraxinus oxycarpa "Raywood"* | 1 | 2 | -- | 3 | 2 | 1 | -- |
| **Total** | | **45** | **17** | **8**** | **70** | **10** | **31** | **29** |

Notes: * Suitability of trees for preservation is based upon the age, health, structural condition, and ability to safely coexist within a development environment.
** Ordinance size trees under City of San José Tree Protection Controls (San José City Code Section 13.31.010 – 13.32.100.)

#### 4.4.1.2 *Applicable Plans, Policies, and Regulations*

**Migratory Bird Treaty Act**

State and federal laws protect most bird species. The Federal Migratory Bird Treaty Act (FMBTA: 16 U.S.C., scc. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

**State Fish and Game Code**

Birds of prey, such as owls and hawks, are protected in California under provisions of the State Fish and Game Code, Section 3503.5 (1992), which states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the California Department of Fish and Wildlife (CDFW).

**City of San José Tree Ordinance**

The City of San José Tree Removal Controls (San José City Code Chapter 13.32) protect all trees having a trunk that measures 56 inches or more in circumference at a height of 24 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City of San José for the removal of Ordinance-size trees. In addition, any tree found by the City Council to have special significance can be designated as a Heritage tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such heritage trees.

**Envision San José 2040 General Plan**

The Envision 2040 General Plan includes the following policies applicable to all development projects in San José.

*Policy ER-5.1:* Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

*Policy ER-5.2:* Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

*Policy MS-21.4:* Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

*Policy MS-21.5:* As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

*Policy MS-21.6:* As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

*Policy MS-21.7:* Manage infrastructure to ensure that the placement and maintenance of street trees, streetlights, signs and other infrastructure assets are integrated. Give priority to tree placement in designing or modifying streets.

*Policy MS-21.8*: For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals:

1. Avoid conflicts with nearby power lines.
2. Avoid potential conflicts between tree roots and developed areas.
3. Avoid use of invasive, non-native trees.
4. Remove existing invasive, non-native trees.
5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.
6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

*Policy CD-1.24*: Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

### Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (Santa Clara Valley Habitat Plan) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The HCP/NCCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County.

The project site is located within the Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (HCP/NCCP) and has a designation of "Urban Development" in the HCP. The HCP/NCCP has been approved by the local partners and became effective on October 14, 2013.

### 4.4.2 Biological Resources Impacts

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☒ | ☐ | 1,10 |

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☐ | ☒ | 1,2 |

#### 4.4.2.1 *Impacts to Habitat*

The project site is completely developed and mostly paved. Vegetation on the project site consists solely of landscape trees and shrubs. Because of the history of development on-site, no natural or sensitive habitats exist that would support endangered, threatened, or special status wildlife species. The General Plan FEIR concluded that impacts to developed habitats resulting from proposed development under the Envision 2040 General Plan will be less than significant because of their abundance within the region and state, and the relatively low value of these habitats for biological resources compared to more natural habitats. Vegetation and wildlife impacts that would occur on the project site due to temporary or permanent loss of existing landscape plants and ornamental trees as a result of development of the proposed project will be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.4.2.2 *Impacts to Nesting Birds*

There are currently 70 landscape trees on and adjacent to the project site. While there is higher quality habitat in nearby parks and within the riparian corridor of Guadalupe River (approximately 1,700 feet west of the site), the trees on-site and on the adjacent properties could provide nesting habitat and/or foraging habitat.

Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and CDFW Code Sections 3503, 3503.5, and 2800. As stated above, raptors (such as falcons, hawks, eagles, and owls) and other migratory birds may utilize the trees on-site or adjacent to the site for foraging or nesting. Construction disturbance near nests can result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.

The loss of trees on-site could result in nesting birds having to relocate to another site. Relocation of mature raptors or migratory birds outside the breeding season would not, by itself, be significant. As identified in the General Plan FEIR, construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.

The City's General Plan policies have been adopted for the purpose of avoiding or mitigating biological resources impacts resulting from planned development within the City. Future development on the site shall be completed in conformance with adopted City plans and policies, including those listed in *Section 4.4.1.2,* resulting in less than significant impacts to biological resources.

Approved Mitigation Measures

Consistent with the Downtown Strategy 2000 FEIR and the General Plan FEIR, General Plan policies and mitigation measures will be implemented during construction to avoid abandonment of raptor and other protected migratory birds nests. In conformance with General Plan Policy ER-5.2 and previous mitigation measures identified in the Downtown Strategy 2000 FEIR, the project shall implement the following measures, consistent with current practice, to reduce impacts to nesting birds/raptors to a less than significant level through avoidance and completion of pre-construction/pre-demolition surveys:

- Tree removal and construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February through August.

- If this is not possible, a qualified ornithologist shall complete pre-construction surveys to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist shall designate a construction-free buffer zone (typically 250 feet) be established around the nest, in consultation with CDFW. The buffer would ensure that raptor or migratory bird nests shall not be disturbed during project construction.

The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building, and Code Enforcement, prior to the issuance of any grading or building permit. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

#### 4.4.2.3 *Trees*

While the project site is urbanized and is within a larger urbanized area, there are 70 trees on and adjacent to the site that are part of the urban forest. Within the City of San José, the urban forest as a whole is considered an important biological resource because most mature trees provide some nesting, cover, and foraging habitat for a variety of birds (including raptors) and mammals that are tolerant of humans, as well as providing necessary habitat for beneficial insects. While the urban forest is not as favorable an environment for native wildlife as extensive tracts of native vegetation,

trees in the urban forest are often the only or best habitat commonly or locally available within urban areas.

Development of the proposed project would result in the loss of approximately 41 trees, including 31 trees on the site and ten street trees. Approximately 24 trees along the western property line of the site, three street trees on Pierce Avenue, and two street trees on Reed Avenue are planned for retention.[5] Two of the eight ordinance-size trees on and adjacent to the site are proposed for retention. The project shall adhere to the tree preservation guidelines outlined in Appendix B for all trees proposed for retention on the site, including the following:

- The horizontal and vertical elevation of trees on the western property boundary will be established and plotted on the final site plan and the final plan set, including all tree preservation guidelines, and will be forwarded to the Consulting Arborist for confirmation of trees suitable for retention.
- Maintain irrigation to trees identified for preservation and provide additional irrigation (above what the trees are currently receiving) for birch trees identified for preservation.
- Establish a tree protection zone for trees to be preserved, within which no disturbance is permitted.
- No underground services including utilities, sub-drains, water or sewer shall be placed in the tree protection zones.
- Irrigation systems must be designed so that no trenching will occur within the tree protection zone.
- Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.
- Lime will not be applied to soils within 50 feet of any tree identified for preservation due to its toxicity to tree roots.
- Trees to be retained should be fenced to completely enclose the tree protection zone with.6-foot chain link fences on posts driven firmly into the ground. Fences must be established prior to any demolition, grading or site work and are to remain until all construction is completed.
- If fencing the tree protection zone is not an option for the street trees, in the minimum wrap the trunks to a height of 8 feet with straw wattle and orange snow fencing to provide a visual cue and help protect them from incidental contact.
- Demolition of the existing concrete and asphalt adjacent to trees identified for preservation will require temporarily removing the tree protection fencing.
- Equipment shall operate from on the concrete or asphalt, working slowly to pull hardscape away from the trees. Once the hardscape has been removed, the tree protection fencing shall be re-established at the limit of the tree protection zone.
- Structures and underground features to be removed within the tree protection zone shall use the smallest equipment, and operate from outside the tree protection zone. The Consulting Arborist shall be on-site during all operations within the tree protection zone to monitor demolition activity.

[5] Although the Preliminary Tree Report prepared for the project identified 25 trees on-site and 12 street trees for retention, the current project design would allow retention of approximately 24 trees on-site and five street trees.

- Street trees proposed for retention will require pruning to correct defects in structure, clean the crown and/or provide construction clearance. Pruning shall be completed by a Certified Arborist or Tree Worker and adhere to the latest edition of the ANSI Z133 and A300 standards as well as the *Best Management Practices -- Tree Pruning* published by the International Society of Arboriculture.
- Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
- If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.
- Fences have been erected to protect trees to be preserved. Fences define a specific tree protection zone for each tree. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without review and approval of the Consulting Arborist.
- Construction trailers, traffic and storage areas must remain outside fenced areas at all times. Any grading, construction, demolition or other work within the tree protection zone should be approved and monitored by the Consulting Arborist.
- Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Consulting Arborist.
- Root-injured trees have a limited capacity to absorb water. Therefore, it is important to ensure adequate soil moisture in the area of active roots. One to several irrigations may be needed for trees that are at risk. Irrigation requirements will be specified by the Consulting Arborist.
- No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the tree protection zone.
- Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.

Consistent with the General Plan FEIR and Downtown Strategy 2000 FEIR, trees removed as a result of the project will be required to be replaced in accordance with all applicable laws, policies or guidelines, including:

- City of San José Tree Protection Ordinance
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, MS-21.6, MS-21.8, and CD-1.24

In accordance with current City policy, the approximately 41 trees removed by the project, including 31 trees on the site and ten street trees, would be replaced at the ratios identified in Table 4.4-2. A Tree Replacement/Mitigation Plan has been prepared. Trees to be removed are being replaced with 12 additional trees along the western property line and 36 trees on the proposed building podium. Required replacement/ mitigation trees that cannot be accommodated on the site shall be mitigated through a donation of $300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. A total of six replacement trees shall be compensated by a $1,800 donation to Our City Forest.

**Table 4.4-2**
**Tree Mitigation Ratios**

| Diameter of Tree to Be Removed | Type of Tree to be Removed | | | Minimum Size of Each Replacement Tree |
|---|---|---|---|---|
| | Native | Non-Native | Orchard | |
| 18 inches or greater | 5:1 | 4:1 | 3:1 | 24-inch box |
| 12-18 inches | 3:1 | 2:1 | none | 24-inch box |
| Less than 12 inches | 1:1 | 1:1 | none | 15-gallon container |

x:x = tree replacement to tree loss ratio
Note: Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

Compliance with local laws, policies or guidelines, as proposed by the project, would reduce impacts to the urban forest to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

#### 4.4.2.4 *Santa Clara Valley Habitat Plan*

The HCP became effective on October 14, 2013. The project is anticipated to receive Site Development Permit approval in October 2013 and grading and building permits in late 2013/early 2014. The analysis of biological impacts in this Addendum has identified no direct impacts to any of the HCP's covered species. Indirect impacts to serpentine habitat and Bay checkerspot butterfly due to nitrogen deposition are discussed below. For these reasons, it is anticipated the project would be deemed consistent with the HCP. With implementation of General Plan policies, existing regulations, and measures included in the project to protect special status species, the proposed project would not conflict with local policies or ordinances protecting biological resources or the provisions of an adopted or pending habitat conservation plan. **[Same Impact as Approved Project (Less than Significant Impact)]**

**Nitrogen Deposition Impacts on Serpentine Habitat**

Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan area, as well as the host plants that support the Bay checkerspot butterfly. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area including the project area. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. The displacement of these species, and subsequent decline of the several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in

central Santa Clara County. Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. Fees collected under the HCP for new vehicle trips can be used to purchase conservation land for the Bay checkerspot butterfly.

As mentioned above, it is anticipated the project would be deemed consistent with the HCP, which is based on the conclusion that no impacts to any of the HCP's covered species would occur under the proposed project.

At the time the General Plan FEIR was certified there was no mechanism in place to off-set the damaging effects of nitrogen deposition on serpentine plant populations and the City-wide impact of future development was identified as significant and unavoidable. With the implementation of the HCP, the cumulative impacts of development would be offset through conservation and management of land for the Bay checkerspot butterfly. Therefore, the project would not result in significant nitrogen deposition impacts on serpentine habitat or Bay checkerspot butterfly with the implementation of the HCP. **[Less Impact than Approved Project/Less Than Significant Impact]**

### 4.4.3 Conclusion

Conformance with City policies will result in a less than significant impact on trees and the City's urban forest, consistent with the findings of the Downtown Strategy 2000 FEIR and the General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

Conformance with City policies and previous mitigation measures identified in the Downtown Strategy 2000 FEIR will ensure the project results in a less than significant impact to nesting birds/raptors. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

Conformance with City policies and the adopted HCP would not result in any new or greater impacts from the project to the HCP's covered species or indirect nitrogen deposition impacts than were previously identified in the General Plan FEIR. Implementation of the HCP would reduce the previously identified significant and unavoidable nitrogen deposition impacts in the General Plan FEIR to a less than significant level. **[Less Impact Than Approved Project/Less Than Significant Impact]**

## 4.5 CULTURAL RESOURCES

The following discussion of archaeological resources is based upon an Archaeological Literature Review prepared by *Holman & Associates* in May 2013. A copy of this report is on file with the City of San José Department of Planning, Building, and Code Enforcement.

Historic resources are addressed based in part upon a *Historic Resource Survey* (2002), *Historic Resource Evaluation* (2005) and a memorandum on historical status (2012) prepared by Carey & Company. Copies of these documents are included in Appendix C.

### 4.5.1 Setting

Cultural resources are evidence of past human occupation and activity and include both historical and archaeological resources. These resources may be located above ground or underground and have significance in the history, prehistory, architecture, architecture of cultural of the nation, State of California, or local or tribal communities.

Paleontological resources are fossils, the remains or traces of prehistoric life preserved in the geologic record. They range from the well-known and well publicized (such as mammoth and dinosaur bones) to scientifically important fossils.

Identified cultural resources within or adjacent to the Downtown area of San José consist of prehistoric and historical archaeological sites, as well as historical architectural properties consisting of buildings, structures and districts. The Downtown Strategy 2000 EIR identified a total of 1,443 known cultural resources in the Downtown area, including 1,414 built environment resources, such as buildings, structures, or districts. The project site, located in the southeast area of the Downtown, is south of the San José Downtown Commercial Historic District, which is listed on the National Register. Pierce Street, west of the project site, and W. Reed Street, south of the project site, also contain historically significant residential architecture including the Italianate-style Bird house at 89 Pierce Street, two Eastlake-style homes built in the 1880s at 93 and 105 Pierce Street, and an Italianate Victorian home built before 1888 at 44 W. Reed Street. These buildings are within the adjacent Market Almaden Conservation Area.

#### 4.5.1.1 *Subsurface Cultural Resources*

**Prehistoric Resources**

The project site is located in the Santa Clara Valley. Native American occupation of the valley extended over 5,000 to 8,000 years and possibly longer. Before European settlement, Native Americans resided in the area that encompasses the project site. The South Bay Area's favorable environment during the prehistoric period, including alluvial plains, foothills, many water courses and bay margins provided an abundance of wild food and other resources.

The Native American people who originally inhabited the Santa Clara Valley belong to a group known as the "Coastanoan" or Ohlone, who broadly occupied the central California coast from the northern tip of the San Francisco Peninsula to Big Sur in the south and as far east as the Diablo

Range. The Coastanoan/Ohlone people practiced a hunting, fishing and collecting economy focusing on the collection of seasonal plant and animal resources. This customary way of living of the Coastanoan/Ohlone people disappeared by about 1810 due to disruption by introduced diseases, a declining birth rate and the impact of the California mission system established by the Spanish in the San José/Santa Clara area in 1777.

Archaeological Records

In April 2013, a record search for prior archaeological studies was conducted at the Northwest Information Center, California Historical Resources Information System, at Sonoma State University. There are no recorded historic and/or prehistoric sites inside or within 500 feet of the project site.

**Paleontological Resources**

As noted above, paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Geologic units of Holocene age are generally not considered sensitive for paleontological resources because biological remains younger than 10,000 years are not usually considered fossils. These sediments have low potential to yield fossil resources or to contain significant nonrenewable paleontological resources. The project site is underlain by Holocene alluvial fan material deposits, which have low potential to yield significant fossils at the surface but may contain resources at depth.[6]

### 4.5.1.2 *Historic Resources and Context*

Prior to 1888, the project vicinity contained a collection of one- and two-story wood-frame and adobe residences, most of which faced S. Market or S. First Streets. After that time, most of the S. Market Street-facing residences were removed and the area divided by the addition of Pierce Street and several large wood-frame and masonry light industrial buildings. Only one residence remained on the east end of the Pierce Reed block at the corner of S. First Street by June 1889. This residence was demolished in the late 1910s. The pattern of development in the early 20th Century consisted of light industry and service-oriented commercial businesses on the lots along S. Market/S. First Streets. The four existing mostly brick and masonry buildings on the site were originally constructed between about 1910 and 1945. The buildings have been modified over time and their status as possible architectural historic resources are discussed below.

**Historic Structures – Regulatory Framework**

Below is an overview of criteria used to assess the historic significance and eligibility of a building, structure, object, site or district for listing in the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), and the City of San Jose Historic Resource Inventory.

[6] C. Bruce Hanson. 2010. *Paleontological Evaluation Report for the Envision San José 2040 General Plan, Santa Clara County, California*. Accessed May 26, 2013. Available at: <http://www.sanjoseca.gov/index.aspx?NID=2435>

National Criteria

The NRHP is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering and culture, at the local, State and National level. National Register Bulletin Number 15, *How to Apply the National Register Criteria for Evaluation*, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context," and second the property must retain integrity of those features necessary to convey its significance.

The National Register identifies four possible context types or criteria, at least one of which must be applicable at the National, State, or local level. As listed under Section 8, "Statement of Significance," of the National Register of Historic Places Registration Form, these are:

A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
B. Property is associated with the lives of persons significant in our past.
C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
D. Property has yielded, or is likely to yield, information important to prehistory or history.

State of California Criteria

The California Office of Historic Preservation's Technical Assistance Series #6, *California Register and National Register: a Comparison*, outlines the differences between the federal and state processes. The context types to be used when establishing the significance of a property for listing on the California Register of Historical Resources are very similar, with emphasis on local and State significance. They are:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or
2. It is associated with the lives of persons important to local, California, or national history; or
3. It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values; or
4. It has yielded, or is likely to yield, information important to prehistory or history of the local area, California, or the nation.

City of San José Criteria for Local Significance

In accordance with the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), a resource qualifies as a City Landmark if it has "special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature" and is one of the following resource types:

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site, or portion thereof; or

4. Any combination thereof.

The ordinance defines the term "historical, architectural, cultural, aesthetic, or engineering interest or value of an historic nature' as deriving from, based on, or related to any of the following factors:

1. Identification or association with persons, eras or events that have contributed to local, regional, state or national history, heritage or culture in a distinctive, significant or important way;

2. Identification as, or association with, a distinctive, significant or important work or vestige:
   a. Of an architectural style, design or method of construction;
   b. Of a master architect, builder, artist or craftsman;
   c. Of high artistic merit;
   d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
   e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
   f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant of uniquely effective.

3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists (Section 13.48.020 A). The ordinance also provides a designation of a district: "a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development (Section 13.48.020 B). Although the definitions listed are the most important determinants in evaluating the historic value of San José resources, the City of San José also has a numerical tally system that must be used in identifying potential historic resources. The "Historic Evaluation Sheet" requires resources to be rated according to visual quality/design; history/association; environment/context; integrity; reversibility; interior quality and conditions; and NRHP/CRHR status. A points-based rating system is used to score each building according to the extent to which it meets the criteria listed above. The final tallies are divided into three categories:

   - Candidate City Landmark (CCL)
   - Structure of Merit (SM) and/or Contributing Structure (CS)
   - Non-Significant (NS)/Non-Contributing Structure (NCS)

According to the City of San José's *Guide to Historic Reports,* a City Landmark is "a significant historic resource having the potential for landmark designation as defined in the Historic Preservation Ordinance. Preservation of this resource is essential." The preservation of Structures of Merit "should be a high priority" but these structures are not considered significant historic resources for the purposes of CEQA.

Conservation Areas

The City's Historic Resources Inventory also lists structures in designated conservation areas within the City. A "conservation area" means a geographically definable area of urban or rural character with identifiable attributes embodied by: (1) architecture, urban design, development patterns, setting, or geography; and (2) history. The City's General Plan includes policies to preserve and enhance structures within historic conservation areas so that they remain as a representation of San José's past and contribute to a positive identity for the City's future. The City policies that apply to Conservation Districts and Structures of Merit (LU-14.1 through LU-14.8) are different than those for designated Landmarks and Historic Districts (General Plan Policies LU-13.1 through LU-13.22). Impacts to historic districts can extend from areas surrounding the district, while impacts to Conservation Areas, as defined in the City's General Plan policies, may occur only within the boundaries of the Conservation Area (e.g., direct impacts to the Contributing Structures that provide the architectural fabric of the Conservation Area).

**Structures on the Project Site**

The structures on the site have been evaluated for historic significance based on the National, State, and local criteria. Three of the four buildings on the site are listed as Structures of Merit on the City of San José's Historic Resources Inventory. None are listed on or considered eligible for the NRHP or CRHR or as City Landmarks. The discussion below is a summary of findings from technical reports and the City of San José's Historic Resources Inventory, with a focus on the portions of the structures visible from surrounding streets. The technical analyses, including Department of Parks and Recreation forms (DPR 523), are provided in Appendix C.

575 S. Market Street

**575 S. Market Street**

The building at 575 S. Market Street is rectangular in plan and features a two-story front section and a one-story rear addition. The exterior primarily brick with a gable roof supported by wood trusses. There is a tall brick and barrel tile parapet with end pillars on the front façade. Notable details of original window design (fenestration) that remains includes double-hung wood windows, many of which display decorative glazed brick surrounds. Other fenestration, such as aluminum sliders and glass block appear to have been added after the building's original construction around 1924. Other notable architectural elements on the front façade include a Salvation Army shield ornament, a glazed brick belt course, diamond-shaped glazed tile details, and soldier course brick detailing.
Much of the original architectural fabric in the interior of the building and portions of the exterior have been replaced or modified. *Carey & Company* concluded that it does not appear eligible for the

National Register of Historic Properties (NRHP) or the California Register of Historic Resources (CRHR). The building is listed on the City's Historic Resources Inventory as a Structure of Merit.[7]

577 S. Market Street

The building at 577 S. Market Street is rectangular in plan, attached to the building at 575 S. Market Street, and was originally constructed around 1910. One-third of the building is wood-frame construction while the remaining two-thirds is masonry. The exterior cladding includes textured stucco, wood, and painted tile on the front façade, pressed sheet metal side with a faux masonry pattern over wood on the south side façade, and painted masonry on the rear façade. The storefront consists of a large metal framed window encompassing the southern half and a metal and glass entry with flanking window panels in the northern half. Wood transom windows, now covered with plywood, run along the top of the storefront.


**577 S. Market Street**

*Carey & Company* concluded that it does not appear eligible for the National Register of Historic Properties (NRHP) or the California Register of Historic Resources (CRHR). The building is listed on the City's Historic Resources Inventory as a Structure of Merit.[8]

599 S. First Street

This building is one and one-half stories and is a commercial building constructed around 1934. It is concrete construction with a hipped roof supported by large wood trusses. Notable features include Art Deco-style "zig-zag" columns and pilasters[9], two molded concrete shields with the letter "F" and a deep porte cochere[10] in the southeast corner at South First and Reed Streets.

[7] In 2005 and 2012 Carey & Company stated their professional opinion that the building does not appear to qualify for listing in the City's Historic Resources Inventory as they do not concur that the bonus points for eligibility for the CRHR should apply. The building is listed as a Structure of Merit on the City's Inventory. This status has not been updated or revised and an application to remove the building from the Inventory is not on-file.

[8] In 2005 and 2012 Carey & Company stated their professional opinion that the building does not appear to qualify for listing in the City's Historic Resources Inventory as they do not concur that the bonus points for eligibility for the CRHR should apply. The building is listed as a Structure of Merit on the City's Inventory. This status has not been updated or revised and an application to remove the building from the Inventory is not on-file.

[9] A pilaster is a slightly projecting column built into or applied to the face of a wall.

[10] A porte cochere is covered porch or portico-like structure through which a motor vehicle can pass.


**599 S. First Street**

The building at 599 S. First Street has had few alterations and the building is in overall fair condition with some visible wall patches, chipped concrete and paint, and some out-of-plane and rusted windows.[11]

*Carey & Company* concluded that it does not appear eligible for the National Register of Historic Properties (NRHP) or the California Register of Historic Resources (CRHR). They concur with the listing as a Structure of Merit in the City's Historic Resources Inventory.

60 Pierce Avenue

**60 Pierce Avenue**

The building at 60 Pierce Avenue is a two-story commercial building constructed around 1945 in a rectangular plan with several covered patios. It is of masonry construction with a brick, textured stucco and concrete exterior and gable roof supported by wood trusses and fronted by a low brick parapet. Currently, the two-story south side of the building, facing a parking lot, is the front entrance, while the one-story north section of the building, facing Pierce Avenue, is the rear. The building has been very heavily altered. On the exterior, the building has a new, two-story addition on the south side and extensive alterations of the west and north facades (e.g., new windows and doors, new walls and patios, and new finishes).

Based on several evaluations, *Carey & Company* concluded that 60 Pierce Avenues is not eligible for the NRHP, the CRHR, or the City's local inventory as either a City Landmark or Structure of Merit and is not considered a potential historic resource.

[11] Carey & Company. 2005. *Historic Resource Evaluation Pierce Reed Properties, San José.*

As described below, the 60 Pierce Avenue property is located adjacent to the Market-Almaden Conservation Area.

**Resources Adjacent to or in Close Proximity to the Project Site**

The area within one block of the project site includes about 33 buildings that are currently listed in the City of San Jose's Historic Resources Inventory.[12] Properties listed in the Inventory are shown on Figure 4.5-1 and listed in Table 4.5-1. Twenty-six (26) of these buildings are "Contributing Structures" to the Market-Almaden Conservation Area. The Market-Almaden Conservation Area, surrounded by the Downtown core, is located just west of S. Market Street and the project site and is bounded by Almaden Avenue on the west, Balbach Street on the north and W. Reed Street and I-280 on the south.

**64 Pierce Avenue (on right), adjacent to project site.**

**Pierce Avenue, looking southeast.**

**67 W. Reed Street, adjacent to project site.**

The area is characterized by mostly single family residences of Victorians and Craftsman bungalows dating from the late 1800s and early 1900s. This Conservation Area is located adjacent and to the west of 60 Pierce Avenue. Three structures on the even numbered side of the 500 block of South First Street are also listed on the City's Historic Resources Inventory although none are located directly adjacent to the project site.

[12] Source: City of San José Historic Resources Inventory dated 11/29/2012. Available at: http://www.sanjoseca.gov/index.aspx?NID=2172 Accessed: May 30, 2013. About 30 resources are located within one block (up to Colton Way and Pierce Avenue) of the site. Additional residential structures within the Market-Almaden Conservation Area are listed as "Non-Contributing Site/Structure" in the inventory but are not listed in Table 4.8-1.


PROPERTIES LISTED ON HISTORIC RESOURCES INVENTORY WITHIN ONE BLOCK

FIGURE 4.5-1

**Table 4.5-1**
**Properties on Historic Resources Inventory**
**within One Block of the Project Site**

| Property | Resource Name/Construction Year | Historic Designation | Market-Almaden Conservation Area |
|---|---|---|---|
| 1. 500 S. 1st St. | Sloan Building 1921 | ECR | |
| 2. 520 S. 1st St. | Costa/Miller Bldg. 1923 | CLS | |
| 3. 89 Pierce Ave. | Bird Residence c1894 | CLS | X |
| 4. 93 Pierce Ave. | Johnson Residence c1889 | *SM* | X |
| 5. 105 Pierce Ave. | M. Bradley Residence c1889 | *SM* | X |
| 6. 107 Pierce Ave. | Fuller Residence 1888 | *SM* | X |
| 7. 109 Pierce Ave. | Weber Residence 1892 | ECR | X |
| 8. 64 Pierce Ave. | CTW Hermann Builder 1895 | *SM* | X |
| 9. 68 Pierce Ave. | CTW Hermann Builder 1889 | *SM* | X |
| 10. 74-76 Pierce Ave. | CTW Hermann Builder 1889 | *SM* | X |
| 11. 82 Pierce Ave. | CTW Hermann Builder 1888 | *SM* | X |
| 12. 86 Pierce Ave. | Thompson Residence 1905 | *CS* | X |
| 13. 90 Pierce Ave. | Gardner Residence 1925 | *CS* | X |
| 14. 94 Pierce Ave. | M.B. Bell Residence pre-1909 | *CS* | X |
| 15. 128 Pierce Ave. | Rank Residence 1888 | ENR, ECR, CLS | X |
| 16. 132 Pierce Ave. | Rank Residence 1892 | ENR, ECR, CLS | X |
| 17. 67 W. Reed St. | McClintock/Starbird Residence pre-1915 | *CS* | X |
| 18. 107 W. Reed St. | Clark Residence 1921-1929 | *CS* | X |
| 19. 111 W. Reed St. | Distel Apartments pre-1896 | *CS* | X |
| 20. 113 W. Reed St. | Kellner Residence 1909-1915 | *CS* | X |
| 21. 26-34 W. Reed St. | Rothermel Rental c1888 | *SM* | X |
| 22. 30-34 W. Reed St. | P. Santoro Residence 1930-1935 | *CS* | X |
| 23. 44 W. Reed St. | Kottenger/McWhorter Residence pre-1888 | ECR, *SM* | X |
| 24. 54 W. Reed St. | Roberts Residence 1888 | *CS* | X |
| 25. 62 W. Reed St. | R. Roberts Residence 1888 | *CS* | X |
| 26. 70 W. Reed St. | R. Roberts Residence 1912 | *CS* | X |
| 27. 78 W. Reed St. | Trengrove Residence 1938 | *CS* | X |
| 28. 86 W. Reed St. | Irvine Residence 1888 | *SM* | X |
| 29. 601 S. 1st St. | Rothermel Block, 1888 | *SM* | |
| 30. 618 S. 1st St. | Palleson Building 1938 | *SM* | |
| 31. 630 S. 1st St. | Levin & Son Plumber Supply 1920 | *SM* | |
| 32. 8-14 E. Reed St. | Palleson Apartments 1910 | ENR, ECR, *SM* | |
| 33. 550 S. First St. | Western Mountaineering c1890s | CS* | |

**Key: (**Refer to Figure 4.5-1 for Locations)
**National and California Register and City Landmarks**
ENR = Eligible for National Register of Historic Places (individually)
ECR= Eligible for California Register of Historic Resources (individually)
CLS = City Landmark
***Structure of Merit and Contributing Structures (to Conservation Area)***
*SM* = Structure of Merit *CS* = Contributing Structure * = District or Conservation Area Not Identified

### 4.5.1.3 *Applicable Plans, Policies, and Regulations*

#### National Historic Preservation Act

The National Historic Preservation Act of 1966, as amended, (NHPA) sets forth national policy and procedures regarding historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places. Section 106 of NHPA requires federal agencies to take into account the effects of their undertakings on such properties and to allow the Advisory Council on Historic Preservation the opportunity to comment on those undertakings, following regulations issued by the Advisory Council on Historic Preservation (36 CFR 800). No listed or eligible resources are present on the project site.

#### California Register of Historic Resources

The California Register of Historical Resources (CRHR) establishes a list of properties that are to be protected from substantial adverse change (PRC Section 5024.1). A historical resource may be listed in the CRHR if it meets any of the following criteria: 1) it is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; 2) it is associated with the lives of persons important in California's past; 3) it embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic value; 4) it has yielded or is likely to yield information important in prehistory or history.

The CRHR includes properties that are listed or have been formally determined to be eligible for listing in the NRHP, State Historical Landmarks, and eligible Points of Historical Interest. Historical Landmarks are sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. Other resources require nomination for inclusion in the CRHR. These may include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic resource surveys conducted in accordance with State Historic Preservation Officer (SHPO) procedures, historic resources or districts designated under a local ordinance consistent with Commission procedures, and local landmarks or historic properties designated under local ordinance. No listed or eligible resources are present on the project site.

#### CEQA Regulations Regarding Human Remains

Section 15064.5 of the State CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on nonfederal land. These procedures are outlined in PRC Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

**Envision San José 2040 General Plan**

The Envision 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to cultural resources and are applicable to the proposed project.

*Policy EC-2.3:* Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inches/second (in/sec) PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building.[13] A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

*Policy ER-10.1:* For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

*Policy ER-10.2:* Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.

*Policy ER-10.3:* Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

*Policy LU-14.4:* Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.

[13] For reference, a jackhammer has a PPV of 0.09 inches/second at a distance of 25 feet.

### 4.5.2 Cultural Resources Impacts

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 1. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3, 11-13 |
| 2. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,14 |
| 3. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature? | ☐ | ☐ | ☐ | ☒ | ☐ | 1,2 |
| 4. Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☐ | ☒ | ☐ | 1,2,3 |

In addition to the thresholds listed above, a significant impact would occur in the City of San José if the project would demolish or cause a substantial adverse change to one or more properties identified as a City Landmark or a Candidate City Landmark in the City's Historic Resources Inventory. Demolition of a Structure of Merit would not result in a significant impact.

#### 4.5.2.1 *Impacts to Subsurface Cultural Resources*

**Prehistoric Resources, Paleontological Resources, and Buried Historic Resources**

Based upon the archaeological literature review completed for the site in May 2013, the project area has a moderate potential to contain potentially significant historic archaeological resources that would be disturbed during construction. The area was developed prior to the era of scheduled solid waste hauling which may have resulted in the burying of historic materials in abandoned privy pits, wells, or dump sites, however.

Based on the underlying geologic formation of the project site, the General Plan Final EIR found the project site to have a high sensitivity (at depth) for paleontological resources. Geologic units of Holocene age are generally not considered sensitive for paleontological resources, however, mammoth remains were found along the Guadalupe River in San José in 2005. Due to the historic development of the site and placement of underground storage tanks the subsurface of most of the site is highly disturbed and unlikely contain intact paleontological resources.

The General Plan FEIR concluded that with implementation of existing regulations and adopted General Plan policies, new development within San José would have a less than significant impact on subsurface prehistoric resources, historic resources and paleontological resources. Similarly, the Downtown Strategy FEIR found that through compliance with existing regulations and policies, as well as mitigation measures, new development within the Downtown area could occur having less than significant impacts on such resources.

Approved and Proposed Mitigation Measures

Consistent with the General Plan FEIR and General Plan policies listed in *Section 4.5.1.6*, the following mitigation measures identified in the Downtown Strategy 2000 FEIR, as modified consistent with current practice, are included in the project to ensure impacts to subsurface archaeological resources are less than significant.

- In the event of the discovery of prehistoric or historic archaeological deposits or paleontological deposits, work shall be halted within 50 feet of the discovery and a qualified professional archaeologist (or paleontologist, as applicable) shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. The recommendation shall be implemented and could include collection, recordation, and analysis of any significant cultural materials.

- Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

- A final report summarizing the discovery of cultural materials shall be submitted to the City's Environmental Senior Planner prior to issuance of building permits. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Environmental Senior Planner.

In order to ensure buried cultural resources would not be impacted, the project proposes the following measure would be implemented, as recommended by the Archaeological Literature Review, and included on all construction documents, contracts, and project plans:

- All personnel involved with site clearing, grading, or trenching will undergo a training session to aid them in the identification of significant historic and prehistoric cultural resources. Training by a qualified archaeologist will also establish the protocol necessary in the event cultural resources and/or human remains are found on the site.

Redevelopment of the project site with the implementation of the proposed measures outlined above would not result in any new or greater impacts to cultural resources than previously identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR. **[Same Impact as Approved Project (Les s Than Significant Impact with Mitigation)]**

#### 4.5.2.2 *Impacts to Historic Buildings*

**Demolition of Buildings on the Site**

The project would demolish three Structures of Merit listed on the City's Historic Resources Inventory. As described in *Section 4.5.1.2*, these structures are not considered significant historic resources for the purposes of CEQA and demolition would not result in a significant impact to a historic resource.

*Policy LU-14.4* in the General Plan calls for discouraging demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource. Demolition and redevelopment of the property was anticipated as a part of the Downtown Strategy 2000 and the demolition of a Structure of Merit is not considered to meet the CEQA definition of a significant effect on historic resources. Redevelopment of the project site, including building demolition, would not result in any new or greater impacts to cultural resources than previously identified in the Downtown Strategy 2000 FEIR or the General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

**Impacts of Construction on Adjacent and Nearby Historic Structures**

The proposed project would require removal of the existing buildings and pavement and some below-grade excavation and foundation work. These activities may produce ground-borne vibration that would adversely impact the buildings over 50 years in age in the immediate vicinity of the project site. Activities may include jackhammers, excavators, and/or bulldozers fitted with hydraulic breakers (hoe-rams) to break pavement and existing building components, along with bulldozers, loaders, and dump trucks to remove debris from the site. Once site demolition is complete parking and building foundation work will begin. The parking lot will have a mat slab type foundation and the building will be built on soil-cement columns or drill displacement sand-cement columns (as opposed to driven piles). These are preferred methods to minimize vibration levels, but will involve the use of a drill rig, concrete delivery trucks, and vibratory rollers for soil compaction. The typical ground vibration levels produced by these and other equipment types at a reference distance of 25 feet are listed in Table 4.5-2, on the following page.

| **Table 4.5-2<br>Equipment Vibration Levels** | |
|---|---|
| **Equipment** | **PPV at 25 feet (in/sec)** |
| 2-ton Vibratory Roller | 0.14 |
| 1.5-ton Vibratory Roller | 0.04 |
| Hoe Ram | 0.089 |
| Large bulldozer | 0.089 |
| Caisson drilling | 0.089 |
| Loaded Trucks | 0.076 |
| Jackhammer | 0.035 |
| Small bulldozer | 0.003 |

Construction activities will occur within about 30 feet of the adjacent residence at 64 Pierce Street (a Structure of Merit) and about 65 feet of the residence at 44 W. Reed Street (California Register of Historic Resources Eligible). At a distance of 30 feet, all equipment, with the exception of a two-ton Vibratory Roller, would fall below the 0.08 in/sec PPV threshold.[14] At 65 feet, all on-site construction activities would generate vibration levels below 0.08 in/sec PPV.

Proposed Avoidance Measure

Construction of the proposed project is unlikely to result in damage to a CRHR Eligible residence (44 W. Reed Street) or buildings within the Market-Almaden Conservation Area. In accordance with the General Plan FEIR, particularly Policy EC-2.3, the proposed project will be required to implement the following avoidance measure during project construction:

- Two-ton Vibratory Rollers shall not be used within 45 feet of 64 Pierce Avenue to avoid vibration impacts to this Structure of Merit.

**[Same Impact as Approved Project (Less Than Significant Impact)]**

**Possible Impacts of the Proposed Project on Nearby Historic Resources**

Market-Almaden Conservation Area

The Market-Almaden Conservation Area is characterized by mostly single family residences of Victorians and Craftsman bungalows dating from the late 1800s and early 1900s. It is located adjacent and to the west of the commercial office building at 60 Pierce Avenue. The two residences adjacent to the project site at 64 Pierce Ave. and 67 West Reed Street are contributing structures and 64 Pierce Avenue is a Structure of Merit (refer to Table 4.5-1 and Figure 4.5-1). Residences within the Market-Almaden Conservation Area that are listed or eligible for the NRHP or the CRHR or are City Landmarks are also listed in Table 4.5-1. The project includes a pedestrian walkway and dog run that provides an approximate 15-foot setback of the new building from the residential property lines to the west. In conformance with the Downtown Strategy, the building would be stepped-back

[14] Svinth, Fred. Principal, Illingworth & Rodkin, Inc. Personal Communication. June 6, 2013.

from the adjacent residential area, in part to limit shade and shadow effects on adjacent single family properties. The project would not remove any contributing structures from the Market-Almaden Conservation Area or modify any of the residences that contribute to the Conservation Area. The project, therefore, would not materially impair the architectural fabric of the Conservation Area or conflict with General Plan policies adopted to avoid adverse effects to buildings within a Conservation Area.

Historic Districts

Impacts to Historic Districts can extend from areas surrounding the district, while impacts to Conservation Areas, as defined in the City's General Plan policies, may occur only within the boundaries of the Conservation Area (e.g., direct impacts to the Contributing Structures that provide the architectural fabric of the Conservation Area). None of the historic resources located within one block of the project site are buildings that contribute to a NRHP or CRHR historic district and therefore the project would not impact the architectural or spatial relationship of buildings in a historic district

Individual Historic Structures (NRHP and CRHR Eligible and City Landmarks)

Eight (8) of the 33 resources located within one block of the project site have been identified as NRHP or CRHR eligible or City Landmarks individually. The closest CRHR eligible building is the Kottenger/McWhorter Residence at 44 Reed Street, across the street and south of the project site**.** The residence is not immediately adjacent to the project and it (and the other NRHP and CRHR Eligible and City Landmarks within one block) does not contain defining features that would be effected by the presence of the proposed building (e.g., a garden or stained glass windows, if shadows were to extend over the building). In addition, the project site has been extensively modified over time and no buildings of the same time period as those to the south and west of the site remain. Therefore, implementation of the proposed project would not materially impair the historical integrity of individual historic structures in the area.

The construction of the proposed project would not result in direct impacts to the Market-Almaden Conservation Area or cause a substantial adverse change to historic buildings in the project vicinity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.5.3 Conclusion

Redevelopment of the project site with the implementation of the proposed measures outlined above would not result in any new or greater impacts to historic archaeological resources than previously identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

Redevelopment of the project site with the implementation of the proposed measures outlined above would not result in any new or greater impacts to historic architectural resources than previously identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

## 4.6 GEOLOGY AND SOILS

The following discussion is based on a Final Geotechnical Investigation prepared by *Rockridge Geotechnical* in May 2013. A copy of this report is included as Appendix D of this Addendum.

### 4.6.1 Setting

#### 4.6.1.1 *Regional Geology*

The City of San José is located within the Santa Clara Valley, which is a broad alluvial plain between the Santa Cruz Mountains to the southwest and west, and the Diablo Range to the northeast. The San Andreas Fault system, including the Monte Vista-Shannon Fault, exists within the Santa Cruz Mountains and the Hayward and Calaveras Fault systems exist within the Diablo Range.

#### 4.6.1.2 *On-Site Geologic Conditions*

**Soils and Groundwater**

The project site ranges in elevation from 94 to 97 feet above mean sea level (MSL). The site is underlain by alluvial sediments that consist of stiff clay and silt interbedded with relatively thin discontinuous layers of medium dense sand and silty sand to a maximum depth of approximately 45 feet below ground surface (bgs). Clay layers beneath the site contain two- to five-foot-thick layers of soft to medium staff clay between 12 and 40 feet bgs. Soil samples from borings taken on the site indicate the near-surface soil at the site is generally low-plasticity and, therefore, has a low expansion potential.

Groundwater was encountered during subsurface exploration at depths ranging from approximately eight feet to 11.6 feet bgs. Fluctuations in the level of the groundwater may occur due to variations in rainfall, underground drainage patterns, and other factors not evident at the time measurements were made. Groundwater measurements were made in 2012 which was a particularly dry year and, therefore, higher groundwater levels may be encountered in wetter years.

**Seismicity and Seismic Hazards**

The San Francisco Bay Area is one of the most seismically active regions in the United States. The significant earthquakes that occur in the Bay Area are generally associated with the crustal movements along well-defined active fault zones of the San Andreas Fault system, which regionally trend in the northwesterly direction.

The site is not located within a designated Alquist-Priolo Earthquake Fault Zone or a City of San José Fault Hazard Zone. In addition, no known surface expression of active faults are believed to cross the site and fault rupture hazard is not a significant geologic hazard at the site.

Nearby active or potentially active faults include the San Andreas fault located approximately 11.8 miles southwest of the site, the Calaveras fault located approximately 8.7 miles east of the site, and the Hayward fault located approximately 8.7 miles north of the site. Because of the proximity of the

project site to these faults, ground shaking, ground failure, or liquefaction due to an earthquake could cause damage to structures.

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loosely water-saturated soils from a solid state to a liquid state after ground shaking. There are many variables that contribute to liquefaction, including the age of the soil, soil type, soil cohesion, soil density, and groundwater level. Soil susceptible to liquefaction includes loose to medium dense sand and gravel, low-plasticity silt, and some low-plasticity clay deposits. Flow failure, lateral spreading, differential settlement, loss of bearing strength, ground fissures and sand boils are evidence of excess pore pressure and liquefaction.

The project site is located within a designated State of California Liquefaction Hazard Zone. A liquefaction analysis was completed for the site which indicated that thin layers of potentially liquefiable soil below depths of approximately 10 feet are present throughout the site. The potentially liquefiable layers were generally one to four feet thick with the exception of a seven-foot thick layer found at a depth of 27 feet below ground surface (bgs). Ground surface settlement associated with liquefaction following a major earthquake is estimated to be less than one and one-half inches for the majority of the site. A small area near the south corner of the site would experience ground surface settlement greater than three inches.

Seismically-Induced Differential Settlements

If near-surface soils vary in composition both vertically and laterally, strong earthquake shaking can cause non-uniform densification of loose to medium dense cohesionless soil layers. This results in movement of the near-surface soils and overlying improvements. Soil above the groundwater level at the site generally consists of cohesive fine-grained soil and granular soil with substantial fines content. The types of soils found on the site are not susceptible to differential settlement and the potential for ground surface settlement is low.

Lateral Spreading

Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying alluvial material toward an open or “free” face such as an open body of water, channel, or excavation. Although numerous thin, potentially liquefiable layers were encountered on the site they do not appear to be continuous. Given the flat topography of the site and surrounding area and lack of open faces, the risk of lateral spreading is low.

Landslides

The site is not located within an area zoned by the State of California as having potential for seismically induced landslide hazards (CGS, 2003) nor is it located within a Santa Clara County Geologic Hazard Zone (SCC, 2003). The project site is relatively flat and, therefore, the probability of landsliding occurring at the site during a seismic event is low.

### 4.6.1.3 *Applicable Plans, Policies and Regulations*

#### Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act regulates development in California near known active faults due to hazards associated with surface fault ruptures. The Earthquake Fault Zones indicate areas with potential surface fault-rupture hazards. Areas within the Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

#### City of San José Policies

Title 24 of the San José Municipal Code includes the 2007 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

#### Envision San José 2040 General Plan

The Envision 2040 General Plan includes policies applicable to all development projects in San José.

*Policy EC-3.1:* Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.

*Policy EC-4.1:* Design and build all new or remodeled habitat structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

*Policy EC-4.2:* Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

*Policy EC-4.4:* Require all new development to conform to the City of San José's Geologic Hazard Ordinance.

*Policy EC-4.5:* Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.

*Action EC-4.11:* Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.

*Action EC-4.12:* Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.

*Policy ES-4.9:* Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

### 4.6.2 Geology and Soils Impacts

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | | | |
| a. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.) | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,15 |
| b. Strong seismic ground shaking? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,15 |
| c. Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,15 |
| d. Landslides? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,15 |
| 2. Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,15 |

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 3. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,15 |
| 4. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,15 |
| 5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |

#### 4.6.2.1 *Soils and Groundwater*

Groundwater beneath the site was encountered at depths of 11.6 feet and has been shown to be as high as eight feet bgs in the project area. The design groundwater level for the project is seven feet bgs. The project does not propose any permanent subgrade improvements (e.g. parking garages or basements) that would require dewatering due to the presence of shallow groundwater beneath the site.

The proposed project would not be exposed to substantial slope instability, erosion, or landslide-related hazards based on the soils present on the site. Several layers of clay soil on the site are, however, susceptible to differential settlement.

The proposed project would not result in any new or more significant soil related impacts than were described in the certified Downtown Strategy 2000 FEIR and General Plan FEIR.

Approved Mitigation Measures

In conformance with the certified Downtown Strategy 2000 FEIR, General Plan FEIR, and current standard practices in the City of San José, the proposed project shall implement the following site-specific measure consistent with previously approved mitigation measures to reduce adverse effects associated with soil conditions:

- The project shall comply with the design recommendations contained in the final geotechnical investigation prepared for the project to address the potential for differential settlement on the site. The geotechnical investigation shall be reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance for the project.

Because the proposed project will comply with the mitigation measures in the Downtown Strategy 2000 FEIR and regulations identified in the General Plan FEIR that ensure geologic hazards are mitigated, the project would not result in a significant geologic impact. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation Incorporated)]**

#### 4.6.2.2 *Seismicity and Seismic Hazards*

Faults in the area are considered active and have a long history of seismic activity. The project site would experience fairly intense ground shaking in the event of a large earthquake. Soils on the southwestern portion of the project site could experience greater than three inches of settlement due to liquefaction. The potential for other seismic-related soil hazards on the site is low.

The General Plan FEIR concluded that adherence to the California Building Code would reduce seismic related impacts to a less than significant level. The proposed project will be built and maintained in accordance with site-specific geotechnical reports and applicable regulations including the 2010 California Building Code which contains the regulations that govern the construction of structures in California.

Development on the project site was analyzed in the Rockridge Geotechnical report referenced at the beginning of this section. The report makes specific recommendations regarding the design of building foundations and supports based on soil conditions, depth to groundwater, and potential seismic conditions, including the use of soil-cement columns (SMX) or drill displacement sand-cement columns (DDSC) to address potential liquefaction in the southwest corner of the site. The report also makes recommendations regarding excavation and sub-grade preparation.

Approved Mitigation Measures

In conformance with the certified Downtown Strategy 2000 FEIR, General Plan FEIR, and current standard practices in the City of San José, the proposed project shall implement the following site-specific measure consistent with previously approved mitigation measures to reduce adverse effects associated with seismic conditions:

- The proposed project will be constructed in conformance with the recommendations of the site-specific geotechnical analysis as well as the 2010 California Building Code, or subsequently adopted codes.

Because the proposed project will comply with the mitigation measures in the Downtown Strategy 2000 FEIR through preparation of a site-specific geotechnical investigation, as noted above, and regulations identified in the General Plan FEIR that ensure seismic hazards are mitigated, the project

would not result in a significant seismic hazard impact. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation Incorporated)]**

#### 4.6.2.3 *Construction Impacts*

The site is flat and developed and very little soil is currently exposed on the site. Ground disturbance would be required for demolition of the existing buildings and surface parking lot, grading, and construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete.

The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. The General Plan FEIR concluded that with the regulatory programs currently in place, the possible impacts of accelerated erosion during construction would be less than significant.

Because the project will comply with the applicable regulations identified in the General Plan FEIR, implementation of the proposed project would have a less than significant soil erosion impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.6.3 Conclusion

Implementation of the proposed project would have the same less than significant geology, soils, and seismicity impacts as previously identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR with mitigation incorporated. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation Incorporated)]**

Implementation of the proposed project would have the same less than significant soil erosion impacts as previously identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

## 4.7 GREENHOUSE GAS EMISSIONS

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of Greenhouse Gases (GHGs) have a broader, global impact. Global warming associated with the "greenhouse effect" is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere. The principal GHGs contributing to global warming and associated climate change are carbon dioxide ($CO_2$), methane ($CH_4$), nitrous oxide ($N_2O$), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/ manufacturing, utility, residential, commercial, and agricultural sectors.

### 4.7.1 Existing On-Site GHG Emissions

The proposed project site is currently developed with five commercial buildings and surface parking. GHG emissions are generated from motor vehicles traveling to and from the site and total energy consumed for onsite operations (e.g., heating, cooling and lighting).

#### 4.7.1.2 *Applicable Plans, Policies and Regulations*

Agencies at the international, national, state, and local levels are considering strategies to control emissions of GHG that contribute to global warming.

**California Assembly Bill 32**

With the passage of AB 32 (Global Warming Solutions Act of 2006), the State of California made a commitment to reduce greenhouse gas (GHG) emissions to 1990 levels by 2020, which represents about a 30 percent decrease over current levels. CARB's Discrete Early Actions include maximizing energy efficient building and appliance standards, pursuing additional efficiency efforts, including new technologies and new policy and implementation mechanisms, and pursuing comparable investment in energy efficiency by all retail providers of electricity in California (including both investor-owned and publicly-owned utilities). In December 2008, the ARB approved the *Climate Change Scoping Plan*, which proposes a comprehensive set of actions designed to reduce California's dependence on oil, diversify energy sources, save energy, and enhance public health, among other goals.

In addition to AB 32, Executive Order S-3-05 (EO S-3-05) established a reduction target of 80 percent below 1990 levels by 2050.

**California Senate Bill 375**

Senate Bill 375 (SB 375), known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. It builds on AB 32 by requiring CARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 when compared to emissions in 2005. The per capita reduction targets for passenger

vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.[15] The four major requirements of SB 375 are:

1. Metropolitan Planning Organizations (MPOs) must meet greenhouse gas emission reduction targets for automobiles and light trucks through land use and transportation strategies.
2. MPOs must create a Sustainable Communities Strategy (SCS), to provide an integrated land use/transportation plan for meeting regional targets, consistent with the RTP.
3. Regional housing elements and transportation plans must be synchronized on eight-year schedules, with Regional Housing Needs Assessment (RHNA) allocation numbers conforming to the SCS.
4. MPOs must use transportation and air emissions modeling techniques consistent with guidelines prepared by the California Transportation Commission (CTC).

Consistent with the requirements of SB 375, the MTC is partnering with the Association of Bay Area Governments (ABG), the Bay Area Air Quality Management District (BAAQMD), and the Bay Conservation and Development Commission (BCDC) to prepare the region's SCS as part of the RTP process.[16] The SCS is referred to as *Plan Bay Area*.

MTC and ABAG adopted Plan Bay Area in July 2013. The strategies in the plan are intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly within Priority Development Areas (PDAs) identified by local jurisdictions. The project site is located within a PDA.

### 2010 Bay Area Clean Air Plan

The Bay Area 2010 Clean Air Plan (CAP) addresses air emissions in the San Francisco Bay Area Air Basin. One of the key objectives in the CAP is climate protection. The 2010 CAP includes emission control measures and performance objectives, consistent with the state's climate protection goals under AB 32 and SB 375, designed to reduce emissions of GHGs to 1990 levels by 2020 and 40 percent below 1990 levels by 2035.

### BAAQMD CEQA Guidelines

BAAQMD identifies sources of information on potential thresholds of significance and mitigation strategies for operational GHG emissions from land-use development projects in its CEQA Air Quality Guidelines.[17]

---

[15] The emission reduction targets are for those associated with land use and transportation strategies, only. Emission reductions due to the California Low Carbon Fuel Standards or Pavley emission control standards are not included in the targets.

[16] ABAG, BAAQMD, BCDC, and MTC. "One Bay Area Frequently Asked Questions." Accessed June 4, 2013, Available at: <http://onebayarea.org/about/faq.html#.UQceKR2_DAk>.

[17] As described in *Section 4.4*, the Alameda Superior Court found that adoption of thresholds by the BAAQMD in its CEQA Air Quality Guidelines is a CEQA project and BAAQMD is not to disseminate officially sanctioned air quality thresholds of significance until BAAQMD fully complies with CEQA. However, the ruling in the case does not equate to a finding that the quantitative metrics in the BAAQMD thresholds are incorrect or unreliable for meeting AB 32's climate protection goals. Per the State CEQA Guidelines [Section 15064(b)], the determination of

In jurisdictions where a qualified Greenhouse Gas Reduction Strategy has been reviewed under CEQA and adopted by decision-makers, compliance with the Greenhouse Gas Reduction Strategy would reduce a project's contribution to cumulative greenhouse gas emission impacts to a less than significant level.[18] The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

### City of San José Municipal Code

The City's Municipal Code includes the following regulations that would reduce GHG emissions from future development:

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

### Envision San José 2040 General Plan

The Envision 2040 General Plan includes strategies, policies, and action items that are incorporated in the City's Greenhouse Gas (GHG) Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the Envision 2040 General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the *CEQA Guidelines* and the recent standards for "qualified plans" as set forth by BAAQMD.

The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

Compliance with the mandatory measures and voluntary measures required by the City would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent

whether a project may have a significant effect on the environment is subject to the discretion of each individual lead agency, based upon substantial evidence. For the assessment of GHG emissions impacts the City of San José analyzes project conformance with its adopted GHG Reduction Strategy, as allowed for in the CEQA Guidelines and BAAQMD CEQA Air Quality Guidelines.

[18] The required components of a "qualified" Greenhouse Gas Reduction Strategy or Plan are described in both Section 15183.5 of the CEQA Guidelines and the BAAQMD CEQA Air Quality Guidelines (amended 2012).

with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

### 4.7.3 Greenhouse Gas Emissions Impacts

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☐ | ☐ | ☒ | ☐ | 1,2 |
| 2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☐ | ☒ | ☐ | 1,2 |

#### 4.7.3.1 *Overview of Impact Assessment*

GHG emissions worldwide contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. No single land use project could generate sufficient GHG emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects in San José, the entire state of California, and across the nation and around the world, contribute cumulatively to the phenomenon of global climate change and its associated environmental impacts.

Per the CEQA Guidelines, a lead agency may analyze and mitigate significant greenhouse gas emissions in a plan for the reduction of greenhouse gas emissions that has been adopted in a public process following environmental review. The City of San José has an adopted GHG Reduction Strategy that was approved by the City Council in November 2011 in conjunction with the *Envision San José 2040 General Plan*. The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FEIR. The City's projected emissions and the GHG Reduction Strategy are consistent with measures necessary to meet statewide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan.

The following discussion focuses on whether project emissions represent a cumulatively considerable contribution to climate change as determined by consistency with City of San José and statewide efforts to curb GHG emissions. As previously noted, projects that are consistent with the City's adopted GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

### Operational Emissions

The proposed project would allow redevelopment on the site with up to 232 residential apartments and ground floor commercial uses in a single mixed-use building consistent with the General Plan Land Use/Transportation Diagram.

The project is anticipated to result in a net increase in traffic trips and energy usage compared to the existing site conditions. While this would result in an overall increase in GHG emissions, the project provides for new housing in the Downtown SoFA area within walking distance of jobs, other residences and retail, and various modes of transit. Furthermore, development of the project will be subject to the City's Green Building Ordinance which will ensure operational emissions reductions consistent with the GHG Reduction Strategy. The project also proposes to salvage and reuse some of the historic building materials (Policy LU-16.4) and the following energy conservation measures/ design features to reduce GHG emissions.

- Recycling and re-use of building materials
- Low flow plumbing fixtures
- Drip irrigation system and drought-tolerant landscaping
- High-efficiency lighting
- EnergyStar™ Appliances
- Electric car chargers
- Car-sharing program (Policy TR-8.5)

The project is proposing to implement green building measures as required by the City's Green Building Ordinance and GHG Reduction Strategy. The project's consistency with measures required by the GHG Reduction Strategy is outlined in Appendix E. The proposed project, therefore, would be consistent with the City's GHG Reduction Strategy and General Plan and would have a less than significant GHG emissions impact. **[(Same Impact as Approved Project (Less Than Significant Impact)]**

### Construction Emissions

The proposed residential development project would result in minor increases in GHGs associated with construction activities. Project construction would result in GHG emissions from construction-related sources including construction equipment and emissions from construction workers' personal vehicles traveling to and from the construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD have established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. Construction of the project would result in GHG emissions of approximately 357 metric tons of $CO_2$ per year. Because project construction will be a temporary condition (a total of 24 months) and would not result in a permanent increase in emissions that would interfere with the implementation of AB32, the temporary increase in emissions would be less than significant. **[(Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.7.3.2 *Conformance with Applicable Plans*

**Greenhouse Gas Reduction Strategy**

As discussed in the *Applicable Plans, Policies and Regulations* section above, the City of San José has an adopted Greenhouse Gas Reduction Strategy which includes both mandatory measures for all projects and other measures which are considered voluntary. Voluntary measures could be incorporated in the project as mitigation measures for proposed projects, at the discretion of the City.

Compliance with the mandatory measures and any voluntary measures required by the City would ensure an individual project's consistency with the GHG Reduction Strategy. The proposed project is consistent with the Land Use/Transportation Diagram designation of *Downtown Commercial Neighborhood Transition 1 (DC-NT1)*. The proposed project incorporates applicable mandatory measures of the GHG Reduction Strategy (refer to Appendix E), including connections to existing bike and pedestrian facilities, reuse of materials on site, and planting and retention of trees to reduce energy use. **[(Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.7.4 Conclusion

Development of the proposed project will incorporate measures in applicable policies of the City's General Plan and adopted GHG Reduction Strategy and, therefore would have a less than significant GHG emissions impact, consistent with the findings of the General Plan FEIR. **[(Same Impact as Approved Project (Less Than Significant Impact)]**

## 4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I Environmental Site Assessment (ESA) prepared by *West Environmental Services & Technology* in January 2013 and a Pre-Demolition/Renovation Asbestos & Lead Survey and Evaluation prepared by *ProTech Consulting and Engineering* in November 2012. The Phase I ESA includes records of previous site investigations and the results of a 2012 Phase II ESA that included collection and analysis of soil, soil gas and groundwater samples throughout the site. Copies of these reports are included in Appendix F of this Addendum.

### 4.8.1 Setting

#### 4.8.1.1 *Overview*

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include motor oil and fuel, metals (e.g., lead, mercury, arsenic), asbestos, pesticides, herbicides, and chemical compounds used in manufacturing and other uses. A substance may be considered hazardous if, due to its chemical and/or physical properties, it poses a substantial hazard when it is improperly treated, stored, transported, disposed of, or released into the atmosphere in the event of an accident. Determining if such substances are present on or near project sites is important because, by definition, exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

The downtown area of San José has been developed for over 100 years with a variety of commercial, residential, and industrial land uses. Prior to the 1970's, there were few hazardous materials regulations, which resulted in undocumented releases of hazardous materials. The Downtown Strategy 2000 EIR identified a total of 41 known sites associated with hazardous materials releases in the downtown area of San José, and 84 known hazardous materials release sites within one-half mile of the downtown area boundary. The Downtown Strategy 2000 EIR determined that groundwater and/or soils in the downtown area of San José could be contaminated by documented and/or undocumented releases of hazardous materials from nearby properties. The Downtown Strategy 2000 EIR identified reported hazardous materials releases in the project vicinity (e.g., Former Texaco Station at 598 S. First Street) and on the project site at 599 South First Street.

Consistent with the mitigation measures identified in the Downtown Strategy 2000 FEIR, a Phase I ESA, Phase II ESA, and an Asbestos and Lead Survey and Evaluation were prepared for the project. The further characterization of hazardous materials contamination on the site than was previously disclosed in the Downtown Strategy 2000 FEIR is discussed below.

#### 4.8.1.2 *Site Conditions*

Developed features and current uses on the 1.99-acre project site include an architectural office and paved parking lot (60 Pierce Avenue), a rental car storage lot (545 South Market Street); a former

Salvation Army dormitory (573 South Market Street); an art gallery (577 South Market Street), and car audio installation and flower shop (599 South First Street[19]).

The site is underlain by sediment comprised of fine-to coarse-grained unconsolidated alluvial fan deposits. Groundwater was encountered in 2012 at approximately 11-feet below the ground surface and groundwater flow direction near the site is to the northwest. Rockridge Geotechnical reported groundwater levels on the site ranging from about eight to 11.6 feet.[20]

Historical uses on the site between the 1890s and 1980s have included a blacksmith shop, feed and fuel storage, gasoline stations, automobile repair, a machine shop, and boiler manufacturer. The locations of historical site uses are shown on Figure 4.8-1.

Based on the potential for hazardous materials contamination from historical site uses, a geophysical survey for buried metallic materials (e.g., underground fuel storage tanks) and testing of soil, soil gas and groundwater from 31 borings was undertaken on the site in 2012. One underground storage tank was located at 545 South Market Street. As summarized in Tables 4.8-1, 4.8-2, and 4.8-3, elevated levels of total petroleum hydrocarbons as diesel (TPHd), total petroleum hydrocarbons as motor oil (TPHmo), total petroleum hydrocarbons as gasoline (TPHg), polynuclear aromatic hydrocarbons (PAHs)[21], volatile organic compounds (VOCs)[22], and metals associated with releases of hazardous materials by historical uses were found at some locations. These include:

<u>Former Gasoline Station at 545 South Market Street</u>

- TPHd, TPHmo, PAHs, and lead in soil
- TPHg, TPHd, and VOCs in soil gas and groundwater

<u>Former Automobile Repair, Tire Shop and Gasoline Station at 599 South First Street</u>

- TPHd, TPHmo, PAHs, arsenic and lead in soil
- VOCs in groundwater

<u>West Reed Street Parking Lot (from former buildings)</u>

- Lead in soil

<u>Former Machine Shop, Blacksmith and Boiler Manufacturing at 60 Pierce Avenue</u>

- Lead in soil

In addition to the results listed above, there is potential for contamination [e.g., oil and grease, polychlorinated biphenyls (PCBs)] in the vicinity of an existing hydraulic lift at a former automobile

[19] This property is also identified in the Phase I ESA as 599 South Market Street.

[20] Rockridge Geotechnical. 2013. *Preliminary Geotechnical Investigation Pierce-Reed Site San José, California*.

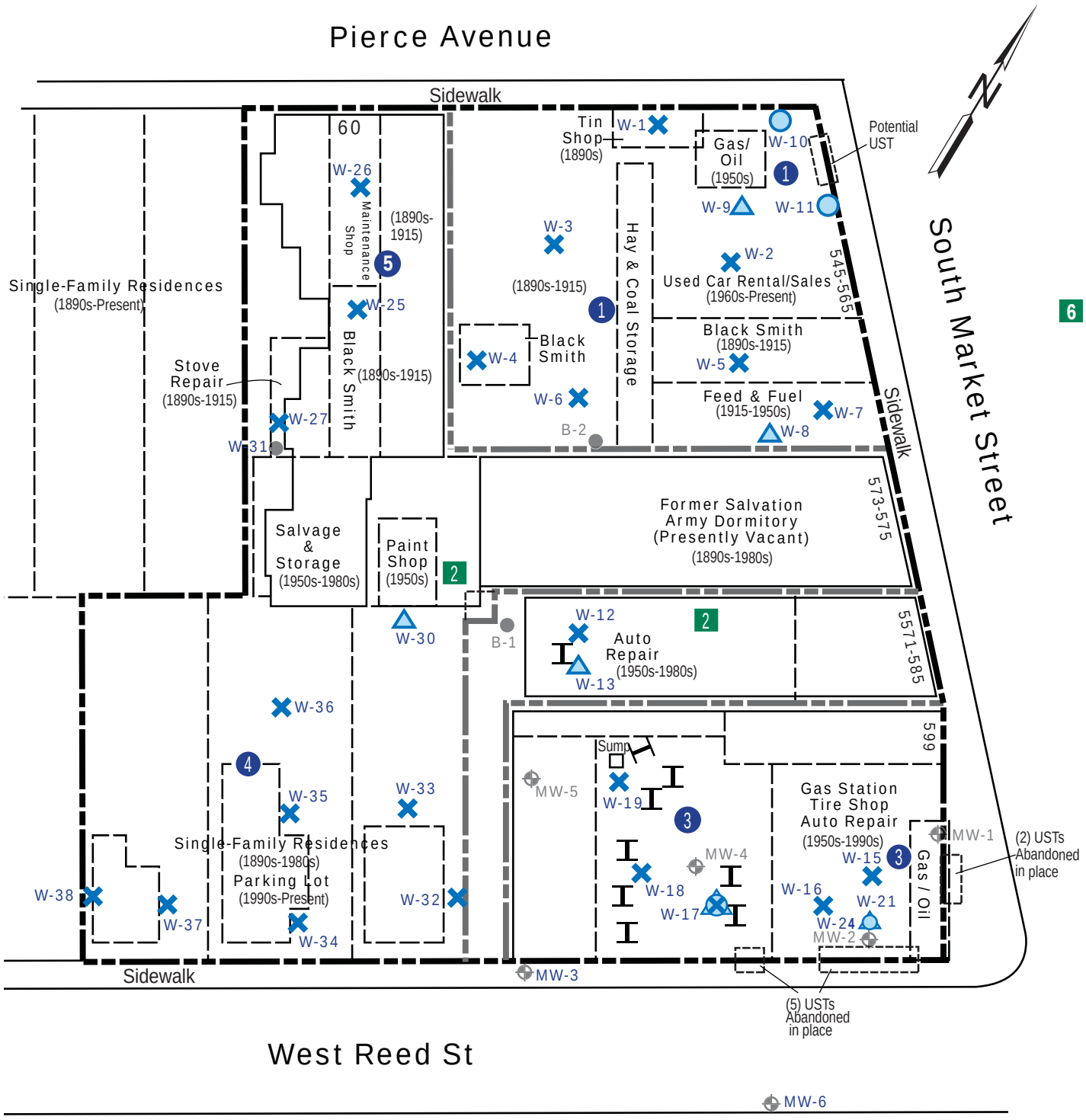
[21] Polynuclear aromatic hydrocarbons (PAHs) are environmentally persistent organic compounds found in (or associated with the burning of) crude oil, coal, and processed fossil fuels, such as gasoline and diesel fuel. As a group, they are of concern to regulators because some compounds have been identified to pose health risks as carcinogens.

[22] VOCs are carbon containing compounds that are easily volatized or released into the air. They include a variety of chemicals, some of which may have short- and long-term adverse health effects. Many VOCs are known to cause cancer in animals, and are suspected of causing cancer in humans.

repair facility at 577 South Market Street. PCBs were not detected at levels above screening thresholds in the samples tested.

Previous investigations associated with a former gasoline station at 599 South First Street also reported seven underground storage tanks abandoned in place under the sidewalks along South First Street and West Reed Street (refer to Figure 4.8-1). Monitoring for TPHg and the gasoline additives benzene, toluene, ethyl benzene and xylenes (BTEX) was undertaken around these tanks prior to closure of the abandoned in-place underground storage tanks by the Santa Clara Valley Water District in 1996. A subsequent investigation of a former automobile repair facility at 577 South Market Street in 2010 did not reveal elevated levels of TPH or volatile organic compounds (VOCs). Lead was detected in one sample collected at one foot in depth.

In 2013, the project applicant initiated voluntary review and oversight under the Voluntary Cleanup Program (VCP) with the County of Santa Clara Department of Environmental Health for the environmental conditions (e.g., localized TPH, PAHs, VOCs, lead and arsenic in soil, soil gas or groundwater) identified on the project site. Preliminary Remediation Goals (PRGs) will be established for cleanup activities as a part of the VCP.




EXPLANATION

- Site Boundary Line
- Underground Storage Tank (UST)
- Hydraulic lift
- Soil sample location (West, 2012)
- Soil/gas sample location (West, 2012)
- Groundwater sample location (West, 2012)
- Soil & groundwater sample location (Canton, 2010)
- Former monitoring well location
- 1 Rec (See Table 7-1)
- 7 Non-Rec (See Table 7-1)

Source: West Environmental Services and Technology. Phase I ESA (2013)

HISTORIC USES AND SAMPLE LOCATIONS FIGURE 4.8-1

**Table 4.8-1**
**Soil Samples Exceeding Screening Thresholds[1]**

| Location | Soil Boring # | Depth (feet) | Date | Petroleum Hydrocarbons | | Polynuclear Aromatic Hydro-carbons (PAHs) | Metals |
|---|---|---|---|---|---|---|---|
| | | | | TPHd | TPHmo | Benzo(a)pyrene | Lead |
| | | | | (mg/kg) | (mg/kg) | (µg/kg) | (mg/kg) |
| 545 S. Market Former gas station, blacksmith, tin smith, and fuel supply | W-2 | 1.5 | 10/19/12 | -- | -- | 132 | 391 |
| | W-3 | 1.5 | 10/19/12 | -- | -- | -- | 129 |
| | W-4 | 1.0 | 10/19/12 | 118 | 563 | -- | -- |
| | W-4 | 2.5 | 10/19/12 | 107 | 298 | -- | 105 |
| | W-6 | 1.5 | 10/19/12 | 1,720 | 6,730 | -- | 87.9 |
| 599 S. First Former gas station, tire and auto repair | W-15[2] | 1.5 | 10/19/12 | 239 | 1,180 | -- | 151[2] |
| | W-16 | 1.5 | 10/19/12 | -- | -- | -- | 125 |
| | W-18 | 1.5 | 11/1/12 | -- | -- | -- | 329 |
| | W-19 | 1.5 | 10/22/12 | -- | -- | 44.6 | 229 |
| 60 Pierce Former blacksmith, machine shop, boiler shop | W-25 | 1.5 | 11/1/12 | -- | -- | -- | 232 |
| | W-26 | 1.5 | 11/1/12 | -- | -- | -- | 490 |
| West Reed Former residences | W-32 | 1.5 | 10/19/12 | | | | 160 |
| | W-33 | 1.5 | 10/19/12 | | | | 111 |
| | W-34 | 1.5 | 10/19/12 | | | | 89.2 |
| | W-36 | 1.5 | 10/19/12 | | | | 257 |
| RWQCB[3] Environmental Screening Levels (ESLs) - Residential | | | | 100 | 500 | 38[4] | -- |
| California Human Health Screening Levels (CHHSLs)- Residential | | | | -- | -- | -- | 80 |

[1]A dash (--) infers that the screening level for the respective contaminant was not exceeded in the respective soil sample. A shaded box (▒) means the soil sample was not tested for the respective contaminant. Contaminants are not shown in this Table for which no soil sample exceeded the respective screening thresholds. For a complete list of contaminants that were investigated, see Appendix F, Phase II ESA Results.
[2]This sample was also above the 11 mg/kg background level for arsenic at 11.5 mg/kg.
[3]RWQCB = San Francisco Bay Regional Water Quality Control Board.
[4]A background concentration of 400 µg/kg has been approved by the RWQCB.

**Table 4.8-2**
**Soil Vapor Samples Exceeding Screening Thresholds[1]**

| Location | Soil Boring # | Depth (feet) | VOCs | |
|---|---|---|---|---|
| | | | Benzene ($\mu g/m^3$) | Ethyl Benzene ($\mu g/m^3$) |
| 545 S. Market Former gas station, blacksmith, tin smith, and fuel supply | W-9 | 5 | 10,900 | 12,400 |
| CHHSLs- Residential | | | 36 | 420 |

[1] Soil gas samples were collected at Soil Borings W-8, W-9, W-13, W-17, W-21, and W-30 (refer to Figure 4.8-1 for locations). VOC contaminants are not shown in this Table for which no soil gas sample exceeded the respective screening thresholds. For a complete list of contaminants that were investigated, see Appendix F, Phase II ESA Results.

**Table 4.8-3**
**Groundwater Samples Exceeding Screening Thresholds[1]**

| Location | Soil Boring # | Petroleum Hydrocarbons | | VOCs | | | | |
|---|---|---|---|---|---|---|---|---|
| | | TPHg | TPHd | Benzene | Ethyl benzene | Xylenes | 1,2-DCA | Naph-thalene |
| | | (µg/l) | (µg/l) | (µg/l) | (µg/l) | (µg/l) | (µg/l) | (µg/l) |
| 545 S. Market Former gas station, blacksmith, tin smith, and fuel supply | W-10 | 13,300 | 838 | 231 | 119 | 37.9 | -- | 129 |
| | W-11 | -- | <156[2] | -- | -- | -- | -- | -- |
| 599 S. First Former gas station, tire and auto repair | W-17 | -- | <125[2] | -- | -- | -- | -- | -- |
| | W-24 | -- | <111[2] | -- | -- | -- | 8.48 | -- |
| RWQCB ESLs | | 100 | 100 | 1 | 30 | 20 | 0.5 | 17 |

[1] A dash (--) infers that the screening level for the respective contaminant was not exceeded in the respective soil sample. Contaminants are not shown in this Table for which no groundwater sample exceeded the respective screening thresholds. For a complete list of contaminants that were investigated, see Appendix F, Phase II ESA Results.
[2]Testing results reported are potentially above the screening threshold.

### Lead-Based Paint and Asbestos

Lead based paint and asbestos containing materials (ACM) were commonly used in the construction of buildings prior to being phased out of use in California starting in 1978. On-site buildings were constructed prior to this time. A Pre-Demolition/Renovation Asbestos & Lead Survey and Evaluation prepared by *ProTech Consulting and Engineering* identified ACM in several of the on-site buildings and limited areas of lead containing paint.

#### 4.8.1.3 *Off-Site Sources of Contamination*

Surrounding uses include single-family and multi-family residential and commercial to the north, commercial to the east and south, and single-family residential to the west (refer to Figure 2.2-3).

A former gasoline station operated at 598 S. Market Street (currently known as 598 S. First Street), approximately 200 feet east and upgradient of the project site. In 1981, underground storage tanks associated with the gasoline station were removed and the property developed as a used car sales lot. In 1993, releases of TPHg and BTEX to groundwater were reported. Soil vapor and groundwater extraction of these compounds was undertaken starting in 2004, with oversight by the County of Santa Clara Department of Environmental Health (CASE #: 07S1E17G02f*)* and the San Francisco Regional Water Quality Control Board (CASE #:14-225). Off-site monitoring wells within South Market Street (downgradient of the release) have not detected TPHg or benzene in groundwater since 2003.

Concentrations of TPHg and BTEX were not detected[23] in a groundwater sample collected from boring W-11 on the project site at 545 S. Market Street, downgradient of the release at 598 S. First Street (see Figure 4.8-1 for the boring location). Based upon a review of available information and the on-site groundwater sample, *West Environmental Services and Technology* concluded that the potential for TPH and BTEX to migrate beneath the site from this off-site source does not represent a recognized environmental condition.

#### 4.8.1.4 *Other Hazards*

**Airports**

The project site is located within the Norman Y. Mineta San José International Airport Influence Area (AIA) which is composite of the areas surrounding the airport that are affected by noise, height, and safety considerations.[24]

**Wildfire Hazards**

The project site is not located within a Very-High Fire Hazard Severity Zone.[25]

#### 4.8.1.4 *Applicable Plans, Policies, and Regulations*

**U.S. Environmental Protection Agency**

The U.S. EPA is the federal agency responsible for enforcement and implementation of federal laws and regulations pertaining to hazardous materials. The legislation includes the Comprehensive

[23] Concentrations of these compounds were not above the laboratory reporting limits.
[24] Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan: Norman Y. Mineta San José International Airport.* May 2011.
[25] California Department of Forestry and Fire Protection. Santa Clara County FHSZ Map. November 6, 2007 Available at: http://www.fire.ca.gov/fire_prevention/fhsz_maps/fhsz_maps_santaclara.php. Accessed May 23, 2013.

Environmental Response, Compensation, and Liability Act of 1980 (commonly referred to as "Superfund"), the Superfund Amendments and Reauthorization Acts of 1986, and the Resource Conservation and Recovery Act of 1986. The EPA provides oversight and supervision for site investigations and remediation projects, and has developed land disposal restrictions and treatment standards for the disposal of certain hazardous wastes.

### California Environmental Protection Agency

The California Environmental Protection Agency (Cal/EPA) serves as the umbrella agency for the Department of Toxic Substances Control (DTSC), the Office of Environmental Health Hazard Assessment (OEHHA), and the State Water Resources Control Board (SWRCB) and its associated regional Water Boards.

### Department of Toxic Substance Control

The DTSC regulates remediation of sites where discharges to land could potentially present a public health risk. California legislation, for which the DTSC has primary enforcement authority, includes the Hazardous Waste Control Act and the Hazardous Substance Account Act. The DTSC generally acts as the lead agency for soil and groundwater cleanup projects, and establishes cleanup and action levels for subsurface contamination that are equal to, or more restrictive than, federal levels.

### State Water Resources Control Board

The SWRCB, through its nine regional boards, regulates discharge of potentially hazardous materials to waterways and aquifers and administers basin plans for groundwater resources in various regions of the State. The San Francisco Bay RWQCB is the regional board that has jurisdiction over the project area. The SWRCB provides oversight for sites at which the quality of groundwater or surface waters is threatened, and has the authority to require investigations and remedial actions.

### Regional Water Quality Control Board

San Francisco Bay RWQCB regulates discharges and releases to surface and groundwater in the project area. The RWQCB generally oversees cases involving groundwater contamination. Within the San Francisco Bay RWQCB, the County of Santa Clara Department of Environmental Health handles most leaking underground storage tank (LUST) cases, so the RWQCB may oversee cases involving other groundwater contaminants; i.e., Spills, Leaks, Incidents, and Clean-up (SLIC) cases. In the case of spills at a project site, the responsible party would notify the County of Santa Clara and then a lead regulator (County, RWQCB or DTSC) would be determined.

### Government Code §65962.5 (Cortese List)

Section 65962.5 of the Government Code requires Cal EPA to develop and update (at least annually) a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by the State, local agencies, and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the DTSC, SWRCB, and the Department of Resources Recycling and Recovery (CalRecycle).

### Emergency Operations and Evacuation Plans

The City of San José's Emergency Operations Plan includes standard operating procedures for flood events, heat waves, off-airport aviation accidents, power outages, terrorism, and urban/wildland interface fires. The Citywide Emergency Evacuation Plan sets forth the responsibilities of City personnel and coordination with other agencies to ensure the safety of San José citizens in the event of a fire, geologic, or other hazardous occurrence.

### Envision San José 2040 General Plan

The Envision 2040 General Plan includes policies applicable to all development projects in San José.

*Policy EC-7.1:* For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.

*Policy EC-7.2:* Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.

*Action EC-7.8:* When an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazard materials found in the soil, groundwater, soil vapor, or in existing structures.

*Action EC-7.9:* Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.

*Action EC-7.10:* Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

*Action EC-7.11:* Require sampling for residential agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

*Policy TR-14.2:* Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards navigation.

*Policy TR-14.3:* For development in the vicinity of airports, take into consideration the safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports.

*Policy TR-14.4:* Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

*Policy CD-5.8:* Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.

### 4.8.2 Hazards and Hazardous Materials Impacts

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,16 |
| 2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3, 16,17 |
| 3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3, 16,17 |
| 4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,16 |

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 6. For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 7. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |

### 4.8.2.1 *Potential for Hazardous Materials Contamination Impacts*

Similar to the development evaluated in the Downtown Strategy 2000 FEIR and the General Plan FEIR, redevelopment of the site could expose construction workers and/or the public to hazardous materials from existing soil and groundwater contamination. Implementation of mitigation measures based upon the policies in the General Plan and mitigation measures identified in the Downtown Strategy 2000 FEIR would reduce these potential impacts to a less than significant level, as described below.

**Petroleum Hydrocarbons, PAHs, VOCs, and Metals**

As previously described and shown on Tables 4.8-1 and 4.8-3, localized elevated levels of total petroleum hydrocarbons (as diesel, gasoline or motor oil) are present on the site. There also are areas of soil on site with concentrations of benzene and metals (primarily lead) that are higher than RWQCB Environmental Screening Levels (ESLs) or California Human Health Screening Levels (CHHSLs) for residential development. Benzene and ethyl benzene concentrations were also above ESLs for soil vapors at one location associated with a former gasoline station at 545 S. Market Street.

TPH and associated VOCs in groundwater were also above ESLs at one sample location at 545 S. Market Street. There also appears to be an on-site underground fuel storage tank or tanks that were not properly closed and removed at this address. In addition, seven underground storage tanks previously abandoned in place under the sidewalks along South First Street and Reed Street are not proposed for removal.

The project site would be almost entirely capped by the proposed residential building and garage, which would limit exposure of residents to soil and groundwater. The project does not include any features such as passive open space or a children's play area that would result in the direct exposure of residents to native soils. Although future residents of the project site would not be directly exposed to soil beneath the site, construction workers could be impacted from exposure to the contaminated soils during construction activities or from exposure to compounds such as PCBs during removal of the existing hydraulic lift at the site. Hazardous materials contamination on the site, if encountered in soil or groundwater during construction activities, could pose a risk to construction workers and others, and could require disposal at regulated facilities. In addition, soil vapors associated with former uses, could pose potential health risks to future residents if vapor intrusion into the structure is not controlled or eliminated.

Other Possible Contamination Sources

Based upon a review of available information and on-site groundwater sampling, *West Environmental Services and Technology* concluded that there are no past, off-site hazardous materials releases in the project area that would be likely to impact the proposed residential uses on the project site.

**Impact HAZ-1:** Soils, soil vapors, and groundwater on portions of the site contain elevated levels of petroleum hydrocarbons, polynuclear aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs) and lead associated with former land uses. Development on the site could expose future residents or construction workers to contaminated soils, soil vapors or groundwater. **(Significant Impact)**

**Mitigation Measures:** As a condition of approval and in conformance with local, state, and federal regulations and program mitigation in the certified Downtown Strategy 2000 FEIR and General Plan FEIR, the project shall implement the following mitigation measures with the oversight of the Santa Clara County Department of Environmental Health and City of San José to reduce impacts associated with redevelopment of the site to a less than significant level:

**MM HAZ – 1.1:** Cleanup and remediation activities on the site prior to building construction shall be conducted in accordance with the Site Management Plan (SMP). The SMP will be prepared and submitted to the Santa Clara County Department of Environmental Health (SCCDEH) for review and approval under a Voluntary Cleanup Agreement with the SCCDEH. The approved SMP will detail procedures and protocols for management of soil, soil gas, and groundwater (e.g., construction dewatering) containing environmental contaminants during site development activities. The SMP will also include Preliminary

Remediation Goals (PRGs) for environmental contaminants of concern, including petroleum hydrocarbons, PAHs, VOCs, and metals to evaluate the site conditions following SMP implementation. In the area of the site near South Market Street and Pierce Street, potential vapor intrusion mitigation measures for at-grade portions of the building may include passive and active ventilation systems as well as vapor barriers. Removal of contaminated soil material may also reduce the potential for vapor intrusion. Some areas with higher concentrations of TPHd, benzene, and possibly lead may be mitigated by off-haul of soil to an appropriately licensed disposal facility. The quantity of soil to be removed and disposed of as part of SMP cleanup activities is anticipated to be about 100 to 200 cubic yards.

A No Further Action letter (or equivalent assurance) from SCCDEH documenting completion of cleanup activities shall be provided to the Director of Planning, Building, and Code Enforcement prior to issuance of occupancy permits for new multi-family residential uses.

**MM HAZ – 1.2:** The SMP and Health and Safety Plans (HSPs) shall be prepared by a qualified hazardous materials consultant. The SMP shall include management practices for handling contaminated soil or other materials if encountered during construction or cleanup activities and measures to minimize dust generation, stormwater runoff, and tracking of soil off-site.

Each contractor working at the site shall prepare a health and safety plan (HSP) that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection. The HSP will outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.

The SMP and HSPs shall be prepared and submitted to the SCCDEH for review and approval prior to issuance of grading permits and commencement of cleanup activities. A copy shall be provided to the City of San José Department of Planning, Building, and Code Enforcement.

**MM HAZ – 1.3:** The underground fuel storage tank at the northeast corner of the site (on South Market Street at Pierce Street) shall be removed in accordance with local, state and federal regulations.

**MM HAZ – 1.4:** Prior to occupancy, deed restrictions will be placed on the property to protect present and future human health and safety as a result of the presence of existing hazardous materials contamination. Deed restrictions will:

- Prohibit the use of the site for single-family, at grade residential uses;
- Restrict uses to multi-family residential, commercial or office space;

- Prohibit use of an on-site well for the purpose of extracting water for any use, including, but not limited to, domestic, potable, or industrial uses;
- Require all uses and development be undertaken consistent with the approved SMP;
- Require notification of oversight agencies prior to specific subsurface disturbance and management of any contaminated soils brought to the surface by grading, excavation, trenching or backfilling in accordance with all applicable provisions of local, state and federal law.

The site-specific mitigation measures identified above address the further characterization of contamination impacts previously disclosed on the project site by the Downtown Strategy 2000 FEIR. The implementation of these site-specific measures are consistent with the mitigation measures approved in the Downtown Strategy 2000 FEIR and with expected contamination types and levels in a developed urban area. The contamination addressed by these measures does not represent a substantially more severe effect of the project and all the required mitigation measures, identified above, have been agreed to by the applicant.

**[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

**Asbestos-Containing Materials and Lead-Based Paint**

In conformance with State and local laws, a visual inspection/pre-demolition survey and sampling, has been completed of the buildings proposed to be demolished to the presence of asbestos-containing materials and/or lead-based paint. Buildings on the project site were found to include some asbestos-containing construction materials and have limited painted surfaces containing lead-based paint. Demolition of the existing structures on the project site, therefore, could expose construction workers or residents in the vicinity of the project site to harmful levels of ACMs or lead.

Approved Mitigation Measures

Consistent with the Downtown Strategy 2000 FEIR, implementation of the approved mitigation measures as revised below, consistent with current standard practice, will reduce impacts from lead-based paint and ACMs to a less than significant level:

- Prior to demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

- All potentially friable ACMs shall be removed in accordance with USEPA's National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to any building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from exposure to asbestos.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

- Materials containing more than one (1) percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent asbestos shall be completed in accordance with BAAQMD requirements.

The Downtown Strategy 2000 FEIR concluded that conformance with regulatory requirements will result in a less than significant impact from ACMs and Lead. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

**Dewatering During Construction**

Groundwater was encountered on the site at a depth of about eight to 11 feet below the ground surface.[26] The project does not include below-grade parking and soil removal as a part of cleanup activities is anticipated to be at relatively shallow depths (two feet) and above groundwater. Due to natural groundwater fluctuations, the project could encounter groundwater during excavation activities on the site for footings and utilities which would need to be removed from excavated areas and disposed. Based on the analytical results of groundwater samples collected at the site, groundwater contamination in the area appears to be limited to the northeast corner of the site (545 S. Market Street). Any dewatering required for the project will be completed in accordance with the SMP prepared for the project site. The short-term discharge of water produced from construction dewatering to the sanitary sewer from other areas of the site should be acceptable, under permit by the City of San José, Environmental Service Department, Watershed Protection Division. The maximum duration of a short-term permit to discharge to the sanitary sewer is one year. Discharge to the storm drain system requires approval from the San Francisco Bay RWQCB.

Dewatering during pre-construction activities is not anticipated to create a significant hazard to the public or the environment, however, as with any project in an urban environment there is a possibility that contaminated groundwater could be encountered during grading activities. Implementation of the SMP and HSP will minimize any potential impacts associated with possible dewatering during construction (MM HAZ-1.2). **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

### 4.8.2.2 *Other Hazard Impacts*

**Hazardous Materials Use**

The Downtown Strategy 2000 FEIR identified that new business in the downtown area may include the use, storage, or disposal of hazardous materials. The proposed residential and commercial project would not generate substantial hazardous emissions from hazardous materials use, and if applicable, current regulations and programs for regulated hazardous materials use would reduce impacts to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[26] Rockridge Geotechnical. 2013. *Preliminary Geotechnical Investigation Pierce-Reed Site San José, California*.

### Airport and Aircraft Hazards

The project site is located approximately 3 miles southeast of the Norman Y. Mineta San Jose International Airport. Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards to aircraft such as reflective surfaces, flashing lights, and electronic interference. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground.

For the project site, any proposed structure higher than approx. 90-95 feet above ground would be required under FAR Part 77 to be reviewed by the FAA. As the proposed project would have a maximum height of 86 feet above ground, notification to the FAA is not required; therefore, the project will have no aviation hazard impacts. In addition, pursuant to County Airport Land Use Commission (ALUC) and San Jose General Plan policy, the project will be required to grant an Avigation Easement to the City accepting elevation restrictions on the property (as well as aircraft noise impacts), as discussed in *Section 4.10 Land Use*. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The project site is not within the vicinity of a private airstrip. Therefore, this threshold is not applicable to the proposed project and is not further discussed in this Addendum.

### Implementation of Safety Plans

The proposed project would not impair or interfere with the implementation of an adopted emergency response plan or emergency evacuation plan. **[Same Impact as Approved Project (No Impact)]**

### Wildland Fire Hazards

The project site is not located near an urban-wildland interface and is not subject to hazards from wildland fires. Implementation of the proposed project would not expose people or structures to any risk from wildland fires. **[Same Impact as Approved Project (No Impact)]**

## 4.8.3 Conclusion

With implementation of the identified mitigation measures, the project would result in the same hazards and hazardous materials impacts as those identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

# 4.9 HYDROLOGY AND WATER QUALITY

## 4.9.1 Setting

### 4.9.1.1 *Hydrology and Water Quality*

#### Surface Water

The project site is located within the Guadalupe Watershed which consists of a 170-square-mile area of multiple small-creek watersheds including the Guadalupe Creek and Los Gatos Creek watersheds. The project site is primarily paved with some landscaped areas around buildings and parking lots. Impervious surfaces on the project site consist primarily of buildings and parking lots. Approximately 85,050 square feet of the site is paved and approximately 2,070 square feet is pervious. A 24-inch storm drain line is located in Pierce Avenue and a 21-inch storm drain line is located in South Market Street. A 12-inch storm drain line is located in South First Street, south of its intersection with East Reed Street. Runoff from the site discharges to the Guadalupe River, approximately 1,700 feet west of the project site, and is ultimately conveyed to the San Francisco Bay.

#### Groundwater

The project site is located in the Santa Clara Valley Groundwater Basin between the Diablo Mountains to the east and the Santa Cruz Mountains to the west. The Santa Clara Valley Groundwater Basin is filled by valley floor alluvium and the Santa Clara Formation. Groundwater was encountered in 2012 at approximately 11 feet below ground surface (bgs) and groundwater flow direction near the site is to the northwest. Groundwater levels typically fluctuate seasonally depending on the variations in rainfall, irrigation from landscaping, and other factors and are expected to range from 8 to 11.6 feet bgs. The project site is mostly comprised of impervious surfaces and does not contribute to the recharging of the groundwater aquifer.

### 4.9.1.2 *Flooding*

According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map, the site is located within Zone D, which is defined as areas where flood hazards are undetermined, but possible.[27]

### 4.9.1.3 *Other Inundation Hazards*

#### Dam Failure

The Association of Bay Area Governments (ABAG) compiles the dam failure inundation hazard maps submitted to the State Office of Emergency Services by dam owners throughout the Bay Area.

[27] Federal Emergency Management Agency. *Flood Insurance Rate Map*. *Panel 06085C0234H*. May 18, 2009.

The project site is not located in a dam failure inundation hazard zone.[28]

**Sea Level Rise**

The project site is located at an elevation of approximately 94 to 97 feet above MSL, and is not within a shoreline area vulnerable to projected sea level rise from global climate change of up to 55 inches.

**Earthquake-Induced Waves and Mudflow Hazards**

The site is not located near a large body of water, near the ocean, or in a landslide hazard zone and, therefore, is not subject to inundation by seiche, tsunami, or mudflow.

### 4.9.1.4 *Water Quality*

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as "non-point" source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Surface runoff from roads are collected by storm drains and discharged into the Guadalupe River. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, and animal feces), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

Under existing conditions, the project site is primarily paved. Runoff from the site contains sediment, fertilizers, and pesticides from landscaped areas, and metals, trash, oils and grease from parking lots.

### 4.9.1.5 *Applicable Plans, Policies, and Regulations*

**Federal Emergency Management Agency**

In 1968, Congress created the National Flood Insurance Program (NFIP) in response to the rising cost of taxpayer funded disaster relief for flood victims and the increasing amount of damage caused by floods. The NFIP makes federally-backed flood insurance available for communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage.

The Federal Emergency Management Agency (FEMA) manages the NFIP and creates Flood Insurance Rate Maps (FIRMs) that designate 100-year floodplain zones and delineate other flood hazard areas. A 100-year floodplain zone is the area that has a one in one hundred (one percent) chance of being flooded in any one year based on historical data. Portions of the City are identified as special flood hazard areas with a one percent annual chance and two percent annual chance of flooding (also known as the 100-year and 500-year flood zones) as determined by the FEMA NFIP.

[28] Association of Bay Area Governments. *Dam Failure Inundation Hazard Map for NW San Jose/Milpitas/Santa Clara*. Map. October 23, 2003. Available at: <http://www.abag.ca.gov/cgi-bin/pickdamx.pl >

## Federal and State Laws Regarding Water Quality

The Federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. The CWA governs discharges to the "Waters of the United States," which includes oceans, bays, rivers, streams, lakes, ponds, and wetlands. The Porter-Cologne Act established the State Water Resources Control Board (SWRCB).

As described below, regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into Waters of the United States. These regulations are implemented at the regional level by water quality control boards. For the City of San José, the water board is the San Francisco Bay RWQCB. Regional Boards are responsible for developing and enforcing water quality objectives and implementation plans, known as Basin Plans. The San Francisco region's Basin Plan was last updated in 2010.

Clean Water Act

The CWA forms the basis for several state and local laws throughout the nation. Its objective is to reduce or eliminate water pollution in the nation's rivers, streams, lakes, and coastal waters. The CWA outlines the federal laws for regulating discharges of pollutants as well as sets minimum water quality standards for all "Waters of the United States." Several mechanisms are employed to control domestic, industrial, and agricultural pollution under the CWA. At the federal level, the CWA is administered by the EPA. At the state and regional level, the CWA is administered and enforced by the SWRCB and the nine RWQCBs. The State of California has developed a number of water quality laws, rules, and regulations, in part to assist in the implementation of the CWA and related federally-mandated water quality requirements. In many cases, the federal requirements set minimum standards and policies and the laws, rules, and regulations adopted by the state and regional boards exceed the federal requirements.

CWA Section 303(d) lists polluted water bodies which require further attention to support future beneficial uses. San Francisco Bay and Guadalupe River are on the Section 303(d) list as an impaired water body for several pollutants.

## State Water Quality Control Board Nonpoint Source Pollution Program

In 1988, the SWRCB adopted the Nonpoint Source Management Program in an effort to control nonpoint source pollution in California. In December 1999, the Program was updated to comply with the requirements of Section 319 of the Clean Water Act and Section 6217 of the Coastal Zone Act Reauthorization Amendment (CZARA) of 1990. The Nonpoint Source Management Program requires individual permits to control discharge associated with construction activities. The Nonpoint Source Program is administered by RWQCB under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. Projects must comply with the requirements of the Nonpoint Source Program if:

- They disturb one acre or more of soil; or

- They disturb less than one acre of soil but are part of a larger development that, in total, disturbs one acre or more of soil.

The NPDES General Permit for Construction Activities requires the developer to submit a Notice of Intent (NOI) to the RWQCB and to develop a Stormwater Pollution Prevention Plan (SWPPP) to control discharge associated with construction activities.

**Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirements**

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of San José. Under provisions of the NPDES Municipal Permit, redevelopment projects that add and/or replace more than 10,000 square feet of impervious surface, or 5,000 square feet of uncovered parking area, are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require all of the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as biotreatment facilities, unless a full or partial exemption applies.

**City of San José Post-Construction Urban Runoff Management (Policy 6-29)**

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City of San José's Policy No. 6-29 requires all new and redevelopment project to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to the maximum extent practicable. This policy also established specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

**City of San José Hydromodification Management (Policy 8-14)**

The City of San José's Policy No.8-14 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

The project site is exempt from the NPDES hydromodification requirements related to preparation of an HMP because it is located in a subwatershed greater than or equal to 65 percent impervious. The project must comply with Policy 8-14 as it is applicable at the Development Permit stage.

**Envision San José 2040 General Plan**

The Envision 2040 General Plan includes policies applicable to all development projects in San José.

*Policy IN-3.9:* Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.

*Policy MS-3.4:* Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.

*Policy MS-3.5:* Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.

*Policy ER-8.1:* Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

*Policy ER-8.3:* Ensure that private development in San José includes adequate measures to treat stormwater runoff.

*Policy ER-8.5:* Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

*Policy EC-4.1:* Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

*Policy EC-5.16*: Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

*Action EC-7.10:* Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

## 4.9.2 Hydrology and Water Quality Impacts

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 1. Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on- or off-site? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 5. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 6. Otherwise substantially degrade water quality? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 7. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,18 |

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 8. Place within a 100-year flood hazard area structures which will impede or redirect flood flows? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,18 |
| 9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 10. Inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |

#### 4.9.2.1 *Water Quality*

**Construction-Related Impacts**

Construction of the proposed project, as well as grading and excavation activities, may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. Construction of the project would disturb approximately two acres of soil, which is above the one acre threshold for compliance with the NPDES General Permit for Construction Activities. The Permit requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes sediment control measures and other stormwater pollution prevention practices specific to the project.

All development projects in San José shall comply with the City's Grading Ordinance whether or not the projects are subject to the NPDES General Permit for Construction Activities. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), the applicant will be required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the Best Management Practices (BMPs) that will be implemented to prevent the discard of stormwater pollutants.

Approved Mitigation Measures

Consistent with the Downtown Strategy 2000 FEIR, the project will prepare and implement a SWPPP that will prevent stormwater pollution and minimize potential sedimentation during construction. The SWPPP measures may include, but are not limited to the following:

- Utilize on-site sediment control BMPs to retain sediment on the project site such as perimeter silt fences, placement of hay bales, and sediment basins;

- Utilize stabilized construction entrances and/or wash racks;
- Implement damp street sweeping;
- Provide temporary cover of disturbed surfaces to help control erosion during construction; and
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

The SWPPP shall specifically include the following measures, as outlined in the Downtown Strategy 2000 FEIR:

- An important component of the storm water quality protection effort will be the education of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and must include both dry and wet weather inspections. **[Same Impact as Approved Project (Less Than Significant Impact)]**

**Post-Construction Impacts**

Under existing conditions, the project site is approximately 98 percent impervious. Upon completion of the proposed development, the project site would be approximately 94 percent impervious. Construction of the project would result in the replacement of more than 10,000 square feet of impervious surface area. This specific development would, therefore, be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit. The project would comply with the C.3 Provisions of the Municipal Regional Stormwater Permit by increasing pervious landscaping areas on the site, providing parking within an interior structure connected to the sanitary sewer, providing covered trash enclosures and connecting these areas along with the pool and spa to the sanitary sewer system, and using water efficient irrigation systems. The project qualifies for LID treatment reduction credits under the Special Projects provisions for high density development. Special Projects are smart growth projects (e.g., small urban infill, high density, or transit-oriented development) that can receive LID treatment reduction credits and use specific types of non-LID treatment, but only after the use of on-site and off-site LID treatment is evaluated. The Special Projects determination is ultimately subject to the City's review and approval. Stormwater runoff from the site would be directed through a media filter system prior to entering the storm drainage system. The proposed treatment facility would be numerically sized and would have sufficient capacity to treat runoff entering the storm drainage system consistent with the NPDES requirements.

The Downtown Strategy 2000 FEIR concluded that projects designed consistent with the current NPDES permit would ensure, stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of a stormwater control plan consistent with RWQCB requirements and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project would be consistent with the mitigation measures identified in the Downtown Strategy 2000 FEIR and have a less than significant water

quality impact. [**Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

#### 4.9.2.2 *Flooding*

As discussed previously, the project site is within Flood Zone D. The project, therefore, would not place housing within a 100-year flood hazard area or impede or redirect flood flows within a 100-year flood hazard area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.9.2.3 *Stormwater Drainage*

Table 4.9-1 provides the breakdown of the pervious and impervious surfaces on the project site under both existing and project conditions. The project would reduce the amount of impervious surfaces on the project site.

**Table 4.9-1**
**Pervious and Impervious Surfaces On-Site**

| Site Surface | Existing/Pre-Construction (SF) | % | Project/Post-Construction (SF) | % | Difference (SF) | % |
|---|---|---|---|---|---|---|
| ***Impervious*** | | | | | | |
| Buildings and Pavement | 85,050 | 98 | 81,610 | 94 | 3,440 | -4 |
| ***Pervious*** | | | | | | |
| Pervious Surfaces | 2,070 | 2 | 5,510 | 6 | +3,440 | +4 |
| *Total* | **87,120** | **100** | **87,120** | 100 | | |

Under existing conditions, the site is 98 percent impervious (85,050 square feet of the 1.99 acre project site). The proposed project would reduce the amount of impervious surfaces on-site by 3,440 square feet, a reduction of almost four percent. The result of this change would be an incremental decrease in the amount of stormwater runoff from the project site.

The Downtown Strategy 2000 FEIR concluded that with the proposed changes in land use, full buildout of the Downtown Strategy 2000 plan would result in an overall net decrease in impermeable surfaces. The General Plan FEIR found that although new development could increase impervious surfaces, planned improvements to the City storm drainage system would not result in significant environmental impacts due to the implementation of stormwater best management practices (BMPs). Since the project decreases impervious surfaces and would implement General Plan policies, the project would not require the construction or expansion of stormwater facilities beyond those that were evaluated in the Downtown Strategy 2000 and General Plan FEIRs. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.9.2.4 *Groundwater Supply*

**Construction Impacts**

Construction of the proposed mixed-use building could encounter groundwater during placement of footings or utilities for the project. The short-term discharge of water produced from construction dewatering to the sanitary sewer should be acceptable, under permit by the City of San José, Environmental Service Department, Watershed Protection Division in accordance with the Watershed Protection discharge requirements. The maximum duration of a short-term permit to discharge to the sanitary sewer is one year. Discharge to the storm drain system requires approval from the San Francisco Bay RWQCB. The proposed development could interfere with the shallow groundwater aquifer, but would not substantially interfere with overall groundwater flow or impact the deeper groundwater aquifers. Compliance with local and regional policies and regulations would avoid any water quality impacts to groundwater during construction. **[Same Impact as Approved Project (Less Than Significant Impact)]**

**Post-Construction Impacts**

The quantity of impervious surfaces on the project site would decrease by four percent compared to the existing condition. The project site does not presently contribute to recharging of the groundwater aquifers and this condition would not change once development is complete. In the event post-construction groundwater pumping from the site is required, the project will be reviewed by the City's Environmental Services Engineering section to ensure conformance with the City's Stormwater Permit requirement during the Building Permit stage (standard permit condition). As a result, implementation of the proposed project would not interfere with groundwater recharge or cause a reduction in the overall groundwater supply. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.9.3 Conclusion

Implementation of the proposed project would have the less than significant hydrology and water quality impacts through incorporation of the mitigation measures previously identified in the Downtown Strategy 2000 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

## 4.10 LAND USE

### 4.10.1 Setting

#### 4.10.1.1 *Existing Land Uses*

The 1.99-acre project site is currently developed with commercial businesses including an architectural office, rental car storage lot, comic book art gallery, automobile audio equipment installation shop, florist, and parking lot. Buildings front primarily onto South Market/First Street, and Pierce Avenue. Surface parking for the rental car lot also fronts onto South Market Street and includes driveways for site access on both South Market Street and Pierce Avenue. Surface parking on the south side of the project site is accessible from West Reed Street, which also serves as a point of access to a single-story commercial building 60 Pierce Avenue near the center of the site.

#### 4.10.1.2 *Surrounding Land Uses*

The project site is surrounded by existing urban development and roadways. The project site is bounded by one and two-story single- and multiple-family residential developments to the north, west, and southwest. A three-story multi-family residential building is located across Pierce Avenue north of the project site. Parque De Los Pobladores is located in the median between South First Street and South Market Street, east of the building.

There are commercial and automotive retail uses east of the project site across the South First Street and South Market Street split (refer to Figure 2.2-3). The San José Institute of Contemporary Art is located among the commercial buildings on South First Street north of the rental car lot located on the northeast corner of East Reed Street and South First Street. Limited residential development is located east of the project site at the intersection of the East Reed Street and South First Street, and commercial buildings are located south and southeast of the project site along South First Street.

East Reed Street is a three-lane, two-way street east of the site. South of the project site, West Reed Street is a two-lane, two-way street that provides access to a freeway on-ramp to I-280. South Market Street is a four-lane, two-way street with a southbound left-turn pocket at its intersection with East Reed Street. Street trees provide limited landscaping along the eastern boundary of the project site along South Market Street/First Street. South First Street is at two-lane, one-way northbound street that splits from South Market Street east of the site. Pierce Avenue is a two-lane, two-way street located at the northern boundary of the project site.

#### 4.10.1.3 *General Plan and Zoning Designations*

**Envision San José 2040 General Plan**

The project site is designated *Downtown* in the Envision San José 2040 General Plan. This designation allows for office, retail, service, residential, and entertainment uses within the downtown area with building heights of three to 30 stories, density of up to a 15.0 floor area ratio (FAR), and residential densities up to 350 dwelling units per acre (DU/AC). Under this designation, residential projects should generally incorporate ground floor commercial uses. Redevelopment should be at

very high intensities, unless incompatibility with other major policies within the Envision 2040 General Plan (such as Historic Preservation Policies) indicates otherwise.

**Zoning Ordinance**

The project site is zoned *Downtown Commercial Neighborhood Transition 1 (DC-NT1)*. Permitted land uses under the *DC-NT1* zoning are consistent with the Downtown General Plan land use designation. Based on the *DC-NT1* zoning, multiple-dwelling residential developments are a permitted use as are certain commercial uses. Section 20.70.220 of the San José zoning ordinance states that buildings in the *DC-NT1* zone west of Market Street and between Pierce Avenue and Highway 280 may not be taller than 120 feet, must be setback a minimum of 10 feet from the nearest residential property line, and may not have a height that exceeds a slope of 3:2.

Zoning Code Section 20.70.110(C) states that new structures exceeding one hundred fifty feet and an FAR of 6:1 which are constructed within one hundred feet of a city landmark or contributing structure in a designated landmark district shall be reviewed by the historic landmarks commission prior to consideration or approval of a development permit for new construction. The comments of the Historic Landmarks Commission shall be included in any development permit staff report subsequently presented to the Director of Planning, Planning Commission or City Council. The project site is not within 100 feet of a city landmark or landmark district.

### 4.10.1.4 *Applicable Plans, Policies and Regulations*

**Envision San José 2040 General Plan**

The Envision 2040 General Plan includes policies applicable to all development projects in San José.

*Policy CD-1.12:* Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

*Policy CD-2.3:* Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Main Streets, and other locations where appropriate.

1. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.
2. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.

3. Provide pedestrian connections as outlined in the Community Design Connections Goal and Policies.
4. Locate retail and other active uses at the street level.
5. Create easily identifiable and accessible building entrances located on street frontages or paseos.
6. Accommodate the physical needs of elderly populations and persons with disabilities.
7. Integrate existing or proposed transit stops into project designs.

*Policy CD-2.11:* Within the Downtown and Urban Village Area Boundaries, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.

*Policy CD-4.9:* For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

*Policy CD-5.8:* Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.

*Policy LU-3.4:* Facilitate development of retail and service establishments in Downtown, and support regional- and local-serving businesses to further primary objectives of this Plan.

*Policy LU-3.5:* Balance the need for parking to support a thriving Downtown with the need to minimize impacts of parking upon a vibrant pedestrian and transit-oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.

*Policy TR-14.2:* Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.

*Policy TR-14.3:* For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.

*Policy TR-14.4:* Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptable of noise or other or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

### Norman Y. Mineta San José International Airport Comprehensive Land Use Plan

The project site is located within the Airport Influence Area of the Norman Y. Mineta San José International Airport, as defined by the Comprehensive Land Use Plan (CLUP) adopted by the Santa Clara County Airport Land Use Commission (ALUC) on May 25, 2011. The western boundary of the project site is adjacent to and outside of the 65 decibel 2022 Aircraft Noise Contour delineated in the CLUP. The CLUP also generally restricts building heights to the most restrictive FAA-defined obstruction surface, which for this property is approximately 325 to 330 above MSL.[29]

### Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (Santa Clara Valley Habitat Plan) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The HCP/NCCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County.

The project site is located within the boundaries of the Santa Clara Valley Habitat Plan and has a designation of "Urban Suburban" in the HCP. The effective date of the HCP is October 14, 2013.

[29] Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan Santa Clara County: Norman Y. Mineta San José International Airport*. May 25, 2011. See Figures 5, 6, and 8. Available at: http://www.sccgov.org/sites/planning/PlansPrograms/ALUC/Documents/ALUC_20110525_SJC_CLUP.pdf

## 4.10.2 Land Use Impacts

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 1. Physically divide an established community? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-4 |
| 3. Conflict with any applicable habitat conservation plan or natural community conservation plan? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |

### 4.10.2.1 *Consistency with General Plan and Zoning Ordinance*

The project site is currently designated *Downtown* in the General Plan and is zoned *Downtown Commercial Neighborhood Transition 1 (DC-NT1)*. Implementation of the proposed project will result in the redevelopment of the site with high-density, mixed-use development that will place housing close to transit and increase commercial space within the Central/Downtown Planning Area. The project proposes ground floor commercial space and a fitness center along South Market Street to improve the pedestrian environment and walkability in the area. A leasing office/lobby would be located at the corner of South Market Street and Pierce Avenue, also contributing to the local pedestrian environment.

The proposed 120 dwelling unit per acre (DU/AC) density is less than the maximum 350 DU/AC for sites with the *Downtown* general plan designation. The proposed floor-area-ratio (FAR) of 1.13 is consistent with the density requirements of the *Downtown* designation, which state that the density of development on sites so designated must not exceed an FAR of 15.

At its highest, the proposed building would not exceed 86 feet above the ground and would be well within the 120 foot height restriction established by the *DC-NT1* zoning designation for the project site. The building would include a 15-foot setback from the residences along the western site boundary, which exceeds the 10-foot setback minimum by 50 percent (refer to Figure 3.2-1). The upper levels of the building would be stepped back from the residential property line to meet height/slope requirements in the zoning code (refer to Figure 3.2-4).

The General Plan FEIR concluded that land use conflicts, including impacts to adjacent residential development and existing businesses, can be substantially limited or precluded with implementation of applicable General Plan policies and actions for planning and implementation as well as conformance with identified ordinances and adopted design guidelines. As designed, the building conforms to the design parameters outlined in the zoning code and design guidelines in the Downtown Strategy 2000. The project would not divide an established community and would encourage connectivity to the existing uses in the project area. Based on the design of the building and its implementation of the goals of the *Downtown* general plan designation, the proposed project is consistent with the Envision 2040 General Plan and City of San José zoning ordinance. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.10.2.2 *Land Use Compatibility*

Land use conflicts can arise from two basic causes: 1) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of land use compatibility; or 2) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. The discussion below distinguishes between potential impacts from the proposed project upon people and the physical environment, and potential impacts from the project's surroundings upon the project itself.

**Impacts from the Project**

The South of First (Street) Area, or SoFA as identified in the Downtown Strategy 2000, contains a mix of office, commercial, residential, and institutional uses. Single and multi-family residences are located adjacent to the western boundary of the project site and southwest of the site across West Reed Street. The project would incorporate the design policies and guidelines of the Downtown Strategy 2000 and Zoning Ordinance to ensure compatibility with adjacent uses. For example, the project would exceed the minimum setback requirements on the ground levels by 50 percent, and units on levels three to five would be stepped back an additional five feet.

The proposed project would implement all applicable General Plan policies and actions. The proposed uses are similar to existing uses in the project area and greater Downtown and would not result in any new or greater impact to existing land uses than previously identified in the Downtown Strategy 2000 FEIR or General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

<u>Shade and Shadow</u>

Pursuant to the Downtown Strategy 2000 FEIR, a project would have a shade and shadow impact if it would result in a 10 percent or greater increase in the shadow cast onto St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park, or McEnery Park, or substantially increase shadows at other public open spaces areas (excluding streets and sidewalks).

The project, which is located approximately 95-feet from Parque de los Pobladores, would not shade public open space near the project site such as Parque de los Pobladores, in excess of 10 percent of the open space area. Therefore the project would not result in significant shade and shadow impacts to adjacent public open space. **[Same Impact as Approved Project (No Impact)]**

**Impacts to the Project**

The project site fronts onto South First Street/Market Street, Pierce Avenue, West Reed Street, and is located approximately 180 feet north of Interstate 280. The project is a high-density mixed-use development that is generally considered compatible with urban areas and the various functions and facilities that characterize urban living. Noise, air quality, and other potential sources of environmental impacts to the project are discussed in their respective section of this Addendum. Though the project is not located in an historic resources conservation area, structures on the site are considered Structures of Merit by the City of San José. For more detail on impacts related to historic resources, see *Section 4.5 Cultural Resources.*

The project is also located near residential uses that are similar to the proposed development (e.g. the site north of the proposed project, across Pierce Avenue). Compliance with all applicable City policies, actions and ordinances, and adopted design guidelines would ensure the project would not be subject to any greater impact than previously identified in the Downtown Strategy 2000 FEIR or General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.10.2.3 *Other Land Use Plans*

**Comprehensive Land Use Plan (San José International Airport)**

The project site is located within the ALUC's Comprehensive Land Use Plan (CLUP) for Norman Y. Mineta San José International Airport. As indicated in Section *4.8 Hazards and Hazardous Materials* and *4.12 Noise*, the project will comply with the safety, height, and noise policies of the CLUP, including the requirement to grant an Avigation Easement to the City accepting elevation restrictions and aircraft noise impacts on the property.

The project site is outside the 65 dBA CNEL noise contours identified in the Comprehensive Land Use Plan for the Norman Y. Mineta San José International Airport. For further information on noise exposure to aircraft, see *Section 4.12 Noise.* The proposed project would be consistent with the Norman Y. Mineta San José International Airport CLUP and would adhere to all relevant General Plan policies. **[Same Impact as Approved Project (Less Than Significant Impact)]**

**Habitat Conservation Plan**

As described further in *Section 4.4 Biological Resources,* the proposed project would not conflict with the HCP/NCCP. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.10.3 Conclusion

The proposed project is consistent with adopted plans and policies for the project site and would not physically divide an established community. The project would not conflict with the HCP/NCCP. Implementation of the project, therefore, would not result in significant land use impacts. **[Same Impact as Approved Projects (Less Than Significant Impact)]**

## 4.11 MINERAL RESOURCES

### 4.11.1 Setting

The project site is not located in an area containing known mineral resources.

### 4.11.2 Mineral Resources Impacts

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 1. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☐ | ☒ | 1,2 |
| 2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☐ | ☒ | 1,2 |

#### 4.11.2.1 *Impacts to Mineral Resources*

The General Plan FEIR states that an area of Communications Hill in central San José is designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 as containing mineral deposits of regional significance.[30] Communications Hill is the only area in the City with this designation. Since the proposed project is not located on or near Communications Hill, the proposed project would not result in impacts to mineral resources. **[Less Impact Than Approved Project (No Impact)]**

### 4.11.3 Conclusion

The project would not result in an environmental impact due to the loss of availability of known mineral resources. **[Less Impact Than Approved Project (No Impact)]**

[30] City of San José. *Envision 2040 General Plan FPEIR*. September 2011. Page 516.

## 4.12 NOISE

The following discussion is based on an Environmental Noise Assessment completed by *Illingworth & Rodkin* in May 2013. A copy of this report is included in Appendix G of this Addendum.

### 4.12.1 Setting

#### 4.12.1.1 *Overview of Noise Principles*

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound can be caused by its pitch or its loudness. A decibel (dB) is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. There are several methods of characterizing sound. The most common in California is the A-weighted sound level or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive.

In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than daytime levels. Most household noise, however, also decreases at night and exterior noises become more noticeable. Further, most people sleep at night and are very sensitive to noise intrusion. To account for human sensitivity to nighttime noise levels, a descriptor, DNL (day/night average sound level), was developed. The DNL, or $L_{dn}$ divides the 24-hour day into the daytime of 7:00 AM to 10:00 PM and the nighttime of 10:00 PM to 7:00 AM. The nighttime noise level is weighted to 10 dB higher than the daytime noise level. The Community Noise Equivalent Level (CNEL) is another 24-hour average which includes both an evening and nighttime weighting.

**Construction Noise**

Construction is a temporary source of noise impacting residences and businesses located near construction sites. Construction noise can be significant for short periods of time at any particular location and generates the highest noise levels during grading and excavation, with lower noise levels occurring during building construction. Large pieces of earth-moving equipment, such as graders, scrapers, and bulldozers, generate maximum noise levels of 90 to 95 dBA $L_{max}$ at a distance of 50 feet. Typical hourly average construction-generated noise levels are approximately 81 to 88 dBA $L_{eq}$ measured at a distance of 50 feet from the site during busy construction periods. Construction generated noise levels drop off at a rate of about six dBA per doubling of distance between the source and receptor. Shielding by buildings or terrain often result in lower construction noise levels at distant receptors.

**Construction Vibration**

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. This discussion uses Peak Particle Velocity (PPV) to quantify vibration amplitude which is defined as the maximum instantaneous positive or negative peak of the vibration wave. A PPV descriptor

with units of mm/sec or in/sec is used to evaluate construction generated vibration for building damage and human complaints. The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels such as people in an urban environment may tolerate a higher vibration level.

Structural damage can be classified as cosmetic only, such as minor cracking of building elements, or may threaten the integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher and there is no general consensus as to what amount of vibration may pose a threat for structural damage to the building. Construction-induced vibration that can be detrimental to the building is very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.

#### 4.12.1.2 *Existing Noise Conditions*

A noise monitoring survey was completed at the project site from April 18, 2013 to April 24, 2013 to quantify the existing noise environment. Two-long term measurements (LT-1 and LT-2) and four short-term measurements (ST-1a/b and ST-2a/b) were taken. Distant traffic on I-280 south of the site and local traffic on West Reed Street, South Market and Pierce Avenue are the predominant noise sources affecting the site. Overhead aircraft from Norman Y. Mineta San José International Airport are also secondary contributors to the area noise environment. Commercial operations in the vicinity were not observed to be significant sources of environmental noise.

Long-term noise measurement LT-1 was located approximately 40 feet from the centerline of West Reed Street, 285 feet west of the South First Street, and 250 feet north of the centerline of the near travel lane of I-280 (refer to Figure 4.12-1). The noise meter was placed 12 feet above grade. The DNL at this location ranged from 67 to 69 dBA. Two short-term noise measurements were also made in this location at heights of five feet (ST-1a) and 18 feet (ST-1b) to determine the relative changes in sound level with height above grade. The DNL at ST-1a was 65 dBA and the DNL at ST-1b was 68 dBA.

Long-term noise measurement LT-2 was located approximately 30 feet from the centerline of Pierce Avenue and 45 feet from the centerline of South Market Street at a height of 12 feet above road grade (refer to Figure 4.12-1). The DNL at this location ranged from 71 to 72 dBA. Two short-term noise measurements were also made in this location at heights of five feet (ST-2a) and 18 feet (ST-2b) to determine the relative changes in sound level with height above grade. The DNLs at ST-2a and ST-2b were both 71 dBA.

According to the City's current and projected aircraft noise contours for the Norman Y. Mineta San José International Airport, the project site is, and will remain, exposed to an aircraft noise level of 60 to 65 dBA CNEL.


NOISE MEASUREMENT LOCATIONS

FIGURE 4.12-1

#### 4.12.1.3 *Sensitive Receptors*

The nearest noise sensitive land uses include one and two-story single- and multiple-family residential developments to the north, west, and southwest. A three-story multi-family residential building is located across Pierce Avenue north of the project site.

#### 4.12.1.4 *Applicable Plans, Policies, and Regulations*

**State Building Code, Title 24, Part 2**

The State Building Code, Title 24, Part 2 of the State of California Code of Regulations establishes uniform minimum noise insulation performance standards to protect persons within new buildings which house people, including hotels, motels, dormitories, apartment houses and dwellings other than single-family dwellings. Title 24 mandates that interior noise levels attributable to exterior sources shall not exceed 45 dB $L_{dn}$ or CNEL in any habitable room. Title 24 also mandates that for structures containing noise-sensitive uses to be located where the $L_{dn}$ or CNEL exceeds 60 dB, an acoustical analysis must be prepared to identify mechanisms for limiting exterior noise to the prescribed allowable interior levels. If the interior allowable noise levels are met by requiring that windows be kept close, the design for the structure must also specify a ventilation or air conditioning system to provide a habitable interior environment.

**City of San José Municipal Code**

The Municipal Code restricts construction hours within 500 feet of a residential unit to the hours of 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.[31]

The Zoning Ordinance limits noise levels at any property line of residential, commercial, or industrial properties, as shown in Table 4.12-1 unless otherwise expressly allowed in a Development Permit or other planning approval. The Zoning Ordinance also limits noise emitted by stand-by/backup and emergency generators to 55 decibels at the property line of residential properties. The testing of generators is limited to 7:00 AM to 7:00 PM, Monday through Friday.

[31] The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

| **Table 4.12-1**<br>**City of San José Zoning Ordinance Noise Standards** | |
|---|---|
| **Land Use Types** | **Maximum Noise Level in Decibels at Property Line** |
| Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes | 55 |
| Open space, commercial, or industrial use adjacent to a property used or zoned for commercial purposes or other non-residential uses | 60 |
| Industrial use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes | 70 |

### Envision San José 2040 General Plan

The Environmental Leadership Chapter in the Envision 2040 General Plan sets forth policies related to noise and vibration control in the City of San José. The City's noise and land use compatibility guidelines are shown in Table 4.12-2, below.

**Table 4.12-2**
**Proposed General Plan Land Use Compatibility Guidelines (GP Table EC-1)**

| **Land Use Category** | **Exterior DNL Value in Decibels** | | | | | |
|---|---|---|---|---|---|---|
| | **55** | **60** | **65** | **70** | **75** | **80** |
| 1. Residential, Hotels and Motels, Hospitals and Residential Care[1] | | | | | | |
| 2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds | | | | | | |
| 3. Schools, Libraries, Museums, Meeting Halls, and Churches | | | | | | |
| 4. Office Buildings, Business Commercial, and Professional Offices | | | | | | |
| 5. Sports Arena, Outdoor Spectator Sports | | | | | | |
| 6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters | | | | | | |

[1]Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

**Normally Acceptable:**
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

**Conditionally Acceptable:**
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.

**Unacceptable:**
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

*Policy EC-1.1:* Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:

Interior Noise Levels

- The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels

- The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1). For single-family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.

*Policy EC-1.2* Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

*Policy EC-1.7:* Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

*Policy EC-1.14:* Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City's noise and land use compatibility standards to base noise attenuation

techniques on expected General Plan traffic volumes to ensure land use compatibility and General Plan consistency.

*Policy EC-2.3:* Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

### 4.12.2 Noise Impacts

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 1. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,19 |
| 2. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,19 |
| 3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,19 |
| 4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,19 |
| 5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3,19 |
| 6. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |

Appendix G of the CEQA Guidelines states that a project would normally be considered to result in significant noise impacts if noise levels conflict with adopted environmental standards or plans or if noise generated by the project would substantially increase existing noise levels at sensitive receivers on a permanent or temporary basis. Based on the applicable noise standards and policies for the site, a significant noise impact would result if exterior noise levels at proposed single-family land uses would exceed 60 dBA DNL or if interior day-night average noise levels would exceed 45 dBA DNL. A substantial permanent noise increase would occur if the noise level increase resulting from the project is three (3) dBA DNL or greater at noise-sensitive receptors, with a future noise level of 60 dBA DNL or greater. Where noise levels would remain at or below the normally acceptable noise level standard with the project, noise level increases of five (5) dBA CNEL or greater would be considered significant. A substantial permanent cumulative noise increase would occur if the project contributed a minimum noise increase of one dBA CNEL where cumulative noise levels are anticipated to increase by three dBA DNL or more at noise-sensitive receptors.

#### 4.12.2.1 *Noise Impacts to the Project*

Based on traffic projections from the *Envision San José 2040 General Plan*, an up to three dBA DNL increase in the future over existing noise levels at the western edge of the site may occur due to increase traffic on South Market Street. No future traffic projections are available for West Reed Street, however based on future I-280 traffic projections, a one dBA DNL increase in the future over existing noise levels is expected on the southern edge of the site due to increased freeway traffic noise. No future traffic projections are available for Pierce Avenue, either. Based on the limited use of the roadway, traffic noise on Pierce Avenue is not expected to increase to a point where its traffic noise becomes significant in comparison with other area noise sources. A review of the 2010 and 2011 airport noise contours do not indicate any significant change in aircraft noise exposure, thus the site would continue to be exposed to a DNL of 64 dBA due to aircraft overflights under future conditions. The future noise levels at the proposed building facades are identified in Table 4.12-3, below.

**Table 4.12-3**
**Future Noise Levels (DNL)**

| **Building Location** | **1st Floor** | **2nd Floor** | **3rd Through 7th** |
|---|---|---|---|
| Northern Facade | 64 dBA | 64 dBA | 64 dBA |
| Eastern Facade | 74 dBA | 74 dBA | 73 dBA |
| Southern Facade | 66 dBA | 69 dBA | 74 dBA |
| Western Facade | <65 dBA | <65 dBA | 69 – 71 dBA |
| **Outdoor Use Areas** | **Aircraft Noise** | **Traffic Noise** | **Overall DNL** |
| Central Courtyard | 64 dBA | <60 dBA | 64 dBA |
| Western Pool Area | 64 dBA | 67 dBA | 69 dBA |

**Interior Noise Impacts**

The proposed residential building would be constructed on the west side of South Market/First Street between Pierce Avenue and West Reed Streets, with seven (7) stories of full or partial residential use. The City of San José and the State Building Code require that interior noise levels in residences

which are exposed exterior noise levels of 60 dBA DNL or more be reduced to a DNL of 45 dBA or less. Standard residential construction methods with the windows open for ventilation typically provides 15 dBA of noise reduction in interior spaces. With the windows closed, standard residential construction provides approximately 20 to 25 dBA of noise reduction in interior spaces.

Where exterior day-night average noise levels are 65 dBA DNL or less, the interior noise level can typically be maintained below the 45 dBA DNL standard assuming standard construction methods and the incorporation of forced air mechanical ventilation systems in residential units. It is estimated that if exterior walls are designed to be wood framed with cavity insulation and 7/8" three coat stucco siding residential facades with exterior noise exposures of 73 to 74 dBA DNL will require sound rated windows and exterior doors with sound transmission loss ratings ranging from an STC of 36 to 38 or an OITC of 29 to 31; residential facades with exterior noise exposures of 69 to 72 dBA DNL will require sound rated windows and exterior doors with ratings ranging from an STC 34 to 36 or an OITC of 26 to 29; and residential facades with exterior noise exposures of 65 to 68 dBA DNL will require sound rated windows and exterior doors with ratings ranging from an STC of 29 to 34 or an OITC of 24 to 27 to assure that the interior average noise level standards are met. The actual interior noise levels would vary depending on the final design of the building (relative window area to wall area) and overall construction materials and methods.

Approved Mitigation Measures

Consistent with the mitigation measures required in the Downtown Strategy 2000 FEIR, andin accordance with the General Plan FEIR, particularly Policy EC-1.1, the proposed project will be required to implement the following measures prior to the issuance of building permits:

- A qualified acoustical consultant will review final site plans, building elevations, and floor plans prior to issuance of buildings permits to calculate expected interior noise levels as required by City policies and State noise regulations. Project-specific acoustical analyses are required by the California Building Code to confirm that the design results in interior noise levels of 45 dBA or lower. The specific determination of what noise insulation treatments (i.e., sound rated windows and doors, sound rated wall construction, acoustical caulking, protected ventilation openings, etc.) will be conducted on a unit by unit basis. Results of the analysis, including the description of the necessary noise control treatment, will be submitted to the City along with the building plans and approved prior to issuance of any building permits. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

**Exterior Noise Environment**

Policy EC-1.1 of the Envision 2040 General Plan requires that common use areas for the residential component of multi-family development meet a 60 dBA DNL exterior standard, but states that at sites subject to aircraft over-flight noise, the 60 dBA DNL standard should be applies to noise from sources other than aircraft. Based on arrangement of the exterior use areas, non-aircraft noise levels in the central outdoor use area would be less than 60 dBA DNL, however, noise levels at the western common use area in the vicinity of the pool, would be as high as 67 dBA DNL. Therefore, while noise levels in the central open space areas of the project will comply with General Plan noise

standards, the noise environment in the unshielded portions of the western common use area in the vicinity of the pool would exceed City standards.

Approved Mitigation Measures

Consistent with the mitigation measures required in the Downtown Strategy 2000 FEIR, and in accordance with the General Plan FEIR, particularly Policy EC-1.1, the proposed project will be required to implement the following measures, as revised per the current General Plan, prior to the issuance of building permits:

- An 8-foot high noise barrier wall will be constructed at the southern and western periphery of the third level common open space in conformance with the acoustical analysis for the project. A stairway opening in this wall is acceptable. To be effective as a barrier to noise, the noise barrier wall must be built without cracks or gaps in the face or large or continuous gaps at the base or where they adjoin the building structure or other elements. The walls must also have a minimum surface weight of 3.0 lbs. per sq. ft. Small, dispersed, gaps in the base of the walls for landscape irrigation or drainage, which do not compose more than 0.5% of the wall area, are acceptable. Acceptable materials include, but are not limited to, masonry block, pre-cast concrete panels, glass block, or a solid glass (¼" or thicker tempered) storefront type wall system.
- Prior to the issuance of building permits for development, the property owner(s) shall grant an avigation easement to the City of San José (in compliance with the CLUP and General Plan Policy TR-14.4), providing for acceptance of aircraft noise impacts.
  **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

**Areas within Airport Land Use Plan or Private Airstrip**

The project site is located within Airport Influence Area for the Norman Y. Mineta San José International Airport as shown in the Comprehensive Land Use Plan (CLUP). The project site will be exposed to aircraft noise levels of 60 to 65 dBA CNEL, which the CLUP considers compatible for residential and commercial land use. The project will also be required, as outlined above, to grant an Avigation Easement to the City accepting aircraft noise impacts on the property. The project, therefore, would not be exposed to excessive noise levels due to aircraft noise. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.12.2.2 *Noise Impacts From the Project*

**Project-Generated Traffic Noise**

The project site is located on a relatively high traffic volume roadway. Vehicular traffic generated by the project would not increase noise levels substantially in the area as project traffic would account for only a small percentage of the total traffic along area roadways. Vehicular traffic noise levels are not expected to increase measurably above existing levels as a result of the project (increase would be less than one dBA DNL). **[Same Impact as Approved Project (Less Than Significant Impact)]**

### Project Mechanical Noise

The proposed building will be fully air-conditioned and heating ventilating, and air-conditioning units could be located in unshielded areas. Existing residential uses are located immediately west of the proposed building. The noise from proposed mechanical equipment if not designed and located correctly, could exceed the City's Municipal Code noise standard at the adjacent residential property line.

Approved Mitigation Measures

Consistent with the Downtown Strategy 2000 FEIR mitigation measures, the Municipal Code, and in accordance with the General Plan FEIR, the proposed project will be required to implement the following site-specific mitigation measures prior to the issuance of building permits:

- Mechanical equipment shall be designed so as to minimize impacts on residential uses north, south, and west of the building. Noise-generating mechanical equipment shall be located on the rooftop of the easternmost portion of the building, adjacent to South Market/First Street. Rooftop-mounted equipment shall be shielded from the adjacent residential land uses by rooftop screens or perimeter parapet walls, noise control baffles, sound attenuators, or enclosures. A qualified acoustical specialist shall review the mechanical equipment plans prior to construction to confirm the City's Municipal Code guideline would be met at adjacent residential uses. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

### Construction-Related Noise

Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors. Construction noise impacts primarily occur when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction durations last over extended periods of time. The nearest existing residential receivers are located approximately 30 feet from the project site. Hourly average noise levels would range from 77 dBA to 84 dBA during the busiest construction periods along the westernmost property line of the site. Shielding by barriers or buildings would provide an additional five (5) to 10 decibels of attenuation at distant receptors.

Demolition, grading, and the construction of project infrastructure would be completed first. Residential units would then be constructed. As construction moves away from noise-sensitive receptors noise levels generated by heavy construction will be lower. Noise generated by demolition, grading, infrastructure improvements and the construction of units nearest the westernmost portion of the project site would not be expected to exceed ambient noise levels at receivers to the west, north, or south by more than five (5) dBA $L_{eq}$ for a period greater than one year.

The construction of the proposed project would temporarily increase noise levels in the immediate vicinity of the project site and would be audible at the nearby residential land uses. The General Plan

FEIR concluded that short-term construction noise would be mitigated by identified General Plan policies and the Downtown Strategy 2000 FEIR included mitigation measures to reduce construction noise impacts to a less than significant level.

Approved Mitigation Measures

Consistent with the Downtown Strategy 2000 FEIR, the Municipal Code, and in accordance with the General Plan FEIR, particularly Policy EC-1.7, the proposed project will be required to implement the following mitigation measures, revised to reflect current practice, during all phases of construction on the project site:

- Construction will be limited to the hours of 7:00 AM to 7:00 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Utilize "quiet" air compressors and other stationery noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities which will be distributed in a notice sent to the neighbors of the project site.
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

**[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

**Construction-Related Vibration**

The effects of vibration on surrounding buildings during construction is addressed in *Section 4.5.2.2*.

### 4.12.3 Conclusion

Implementation of the proposed mitigation measures to ensure conformance with General Plan policies,the Municipal Code, and Downtown Strategy 2000 FEIR will reduce noise impacts to existing sensitive land uses and future residents and reduce temporary construction noise impacts associated with the proposed project to a less than significant level, consistent with the Downtown Strategy 2000 FEIR and the General Plan FEIR. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

## 4.13 POPULATION AND HOUSING

### 4.13.1 Setting

Based on information from the Department of Finance, the City of San José population was estimated to be approximately 984,299 in January 2013.[32] The average number of persons per household in San José for the period 2009-2011 was estimated as 3.13.[33]

Approximately 369,500 jobs were provided within the City of San José's Sphere of Influence in 2010, and the Association of Bay Area Governments (ABAG) Projections 2009 shows a projected increase to 708,980 jobs by the year 2035. To meet the current and projected housing needs in the City, the Envision General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2035.

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/employed resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing. At the time of preparation of the General Plan FEIR, San José had a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident) but this trend is projected to reverse with full build-out under the current General Plan.

### 4.13.2 Population and Housing Impacts

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 1. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☐ | ☒ | ☐ | 1,2 |

[32] State of California, Department of Finance. E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2012 and 2013. May 2013. Available at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

[33] U.S. Census Bureau. "American Fact Finder". Profile of General Population and Housing Characteristics: 2010, for the City of San José. Accessed June 6, 2013. Available at: <http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |
| 3. Displace substantial numbers of people, necessitating the necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |

### 4.13.2.1 *Impacts to Population and Housing*

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (i.e., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

The General Plan FEIR concluded that the potential for direct growth inducing impacts from the General Plan is minimal because growth planned and proposed as part of the General Plan would consist entirely of development within the City's existing Urban Growth Boundary and Urban Service Area. The General Plan includes policies and actions that address orderly growth within the City and are aimed at balancing housing supply with job growth.

The project proposes redevelopment of the existing commercial/office site with a 232 residential unit apartment building with up to 5,200 square feet of ground floor commercial space. The proposed project is consistent with the General Plan land use designation for the site. It also is consistent with General Plan goals for focused and sustainable growth, because it supports the intensification of development in an urbanized area that is currently served by existing roads, transit, utilities, and public services.

While the project would increase housing within the City, it would not result in unplanned residential growth and would not have a significant impact on the jobs/housing imbalance. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.13.2.2 *Housing Displacement Impacts*

The project would not displace people or housing. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.13.3 Conclusion

The project would not result in substantial growth inducement or impacts to existing housing supply. **[Same Impact as Approved Project (Less Than Significant Impact)]**

## 4.14 PUBLIC SERVICES

### 4.14.1 Setting

#### 4.14.1.1 *Fire Service*

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies in the City. The closest station to the project site is Station No. 3, located at 98 Martha Street, approximately 2,500 feet southeast of the project site.

For fire protection services, *Policy ES-3.1(2)* of the Envision 2040 General Plan identifies a total response time goal of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents. The project site is located approximately two minutes from Station No. 3.

#### 4.14.1.2 *Police Protection Service*

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately two miles northwest of the project site. In 2011, the City had 21,972 reported property crimes, 3,206 reported violent crimes, and 32 reported hate crimes.[34]

For police protection services, *Policy ES-3.1(1)* of the Envision 2040 General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls.

#### 4.14.1.3 *Schools*

The project site is located within the San José Unified School District (SJUSD). Students in the project area would attend Washington Elementary School, Hoover Middle School, and Lincoln High School. According to the General Plan FEIR, the SJUSD enrollment exceeded its 30,520 student capacity by 1,004 students in 2011.[35]

#### 4.14.1.4 *Parks*

The City provides and maintains developed parkland and open space to serve its residents. Residents of San José are served by regional and community park facilities, including regional open space, community and neighborhood parks, playing fields and trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities.

[34] City of San José Police Department. *Official Crime Statistics*. October 2012. Accessed May 24, 2013. Available at: http://www.sjpd.org/CrimeStats/crimestats.html
[35] City of San José. *Envision 2040 General Plan FPEIR*. September 2011. Page 615.

Parque De Los Pobladores is located approximately 95 feet north of the project site and Plaza De Cesar Chavez is located approximately 2,000 feet to the northwest.

#### 4.14.1.5 *Libraries*

The San José Public Library System consists of one main library and 22 branch libraries. Residents of the downtown core area are served by the Dr. Martin Luther King Jr. Main Library, which is approximately 3,000 feet north of the project site. The Dr. Martin Luther King Jr. Main Library holds 1.5 million volumes and is over 475,000 square feet in size. Other libraries in proximity to the project site include the East San José Carnegie Branch Library and Joyce Ellington Branch Library.

#### 4.14.1.6 *Applicable Plans, Policies, and Regulations*

**Parkland Dedication Ordinance and Park Impact Ordinance**

The City of San José has adopted the *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapter 19.38) and *Park Impact Ordinance* (PIO) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO.

**Envision San José 2040 General Plan**

The Envision 2040 General Plan includes policies applicable to all development projects in San José. The policies listed below are relevant for the public services considerations of the proposed project.

*Policy ES-3.1:* Provide rapid and timely Level of Service response time to all emergencies:

1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.
2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.

*Policy ES-3.9:* Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.

*Policy ES-3.11:* Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

*Policy PR-1.1:* Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

*Policy PR-1.2:* Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

*Policy PR-1.12:* Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.

*Policy PR-2.4:* To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.

*Policy PR-2.5:* Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

*Policy PR-2.6:* Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.

### 4.14.2 Public Services Impacts

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact Than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| 1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | | | |
| Fire Protection? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| Police Protection? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| Schools? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| Parks? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| Other Public Facilities? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |

#### 4.14.2.1 *Impacts to Fire Protection Services*

The General Plan FEIR concluded that planned growth under the Envision 2040 General Plan would increase calls for fire protection services in the City. The higher density development envisioned in the General Plan may require additional staffing and equipment to adequately serve the larger population but no new stations would be required other than those already planned. The Downtown Strategy 2000 FEIR concluded that while the growth proposed in the downtown area of San José would result in an increase in demand for fire services, the increased population would not result in demand for services beyond the capabilities of the department.

The proposed increase in development on the project site is accounted for in the planned growth for the City. The project is, however, only a small fraction of the total growth identified in the General Plan and Downtown Strategy 2000. The proposed project, by itself, would not preclude the SJFD from meeting its service goals. As a result, the proposed project could be adequately served by existing resources. No additional fire personnel or equipment would be required.

Furthermore, the proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies identified in the General Plan FEIR to avoid unsafe building conditions and promote public safety. As a result, the proposed office development will not require new fire stations to be constructed or existing fire stations to be expanded to serve the development while maintaining City service goals. **[Same Impact as the Approved Project (Less Than Significant Impact)]**

#### 4.14.2.2 *Impacts to Police Protection Services*

The General Plan FEIR concluded that planned growth under the General Plan would increase the population of the City and result an increase in calls for police services such new police facilities might be required. The FEIR stated that while supplemental environmental review would be necessary at the time of development, construction of new police facilities would not be anticipated to have significant adverse environmental impacts.

The proposed increase in development on the project site is accounted for in the planned growth for the City. The project is, however, only a small fraction of the total growth identified in the Envision 2040 General Plan and the Downtown Strategy 2000. The proposed project, by itself, would not preclude the SJPD from meeting its service goals. As a result, all future development proposed on-site could be adequately served by existing resources. No additional police personnel or equipment or expanded facilities would be required.

Furthermore, the proposed project would be constructed in accordance with current building codes and would be maintained in accordance with applicable City policies such as General Plan *Policy ES-3.9* that promote public and property safety. The proposed development would not require the construction of new police stations or the expansion of existing police stations in order to serve the development while also maintaining City service goals. **[Same Impact as the Approved Project (Less Than Significant Impact)]**

#### 4.14.2.3 *School Impacts*

Build-out of the Envision 2040 General Plan will generate approximately 11,079 new students in the SJUSD. The Downtown Strategy 2000 estimated a maximum of 5,000 new K-12 students.

The project proposes development of 232 residential units and up to 5,200 square feet of commercial space in a seven-story building. Based on the SJUSD student generation rates, multi-family residential development generates approximately 0.203 K-12 students per unit.[36] Based on this student generation rate, the proposed 232 residential units would generate up to 47 new students. The project is part of the planned growth in the City and will not increase students in the SJUSD beyond what was anticipated in the Envision 2040 General Plan and Downtown Strategy 2000.

State Law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities as the payment of a school impact fee prior to the issuance of a building permit. The affected school district(s) are responsible for implementing the specific methods for mitigating school effects under the Government Code, including setting the school impact fee amount consistent with state law. The school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would partially offset project-related increases in student enrollment. While the proposed project would increase the number of school children attending public schools in the project area, it would be consistent with the increases identified in the Envision 2040 General Plan and Downtown Strategy 2000, and would mitigate its impact through compliance with state law regarding school impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.14.2.4 *Park Impacts*

Future residents of the site would use existing recreational facilities in the area, as well as the recreational and fitness center included in the proposed building. The new residents on the site would incrementally increase the use of existing recreational facilities in the project area.

The City of San José has a Parkland Dedication Ordinance (PDO) which requires new housing projects provide 3.0 acres of neighborhood/community serving parkland per 1,000 population or pay an in-lieu fee. When the Downtown Strategy 2000 was prepared, the downtown area had 243.1 acres of parkland. This provided more than the required parkland for the existing downtown community under the PDO. The Downtown Strategy 2000 proposed up to 10,000 additional dwelling units which would require additional 87.5 acres of parkland in the downtown area. Residential growth resulting from build out of the General Plan is expected to result in an overall City population of 1,313,811 by 2035, which will increase the demand for park and recreational facilities and create an overall (city-wide) parkland deficit of 2,187.4 acres.[37]

The Downtown Strategy 2000 FEIR concluded that the City's PDO would be satisfied through a combination of several means including: dedication of land; payment of fees (based upon the unit

[36] San José Unified School District. *Development Fee Justification Study*. April 2012. Available at: http://www.sjusd.org/pdf/districtinformation/Development_Fee_Justification_Study.pdf

[37] City of San José. *Envision 2040 General Plan FPEIR*. September 2011. Page 633 (and see Table 3.9-5).

count of the project); credit for qualifying recreational amenities (based on project design); and improvement of existing parkland or recreational facilities. The General Plan FEIR concluded that construction and/or expansion of parks throughout the City in compliance with General Plan policies and regulations will reduce any physical impacts from development or expansion of parkland facilities to a less than significant level. Because the 232 dwelling units proposed under this project have been accounted for in the Downtown Strategy 2000 and because the project will comply with the PDO requirements, the proposed project will not have a significant impact on park facilities in San José. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.14.2.5 *Libraries*

Opened in 2003, the Dr. Martin Luther King Jr. Main Library provides more floor space and books per capita to serve the downtown population of San José than the City's service goals require. There are 22 additional branch libraries located throughout San José. Development approved under the Envision 2040 General Plan is projected to increase the City's residential population to 1,313,811. The existing and planned library facilities in the City will provide approximately 0.68 square feet of library space per capita for the anticipated population under buildout of the Envision 2040 General Plan by the year 2035, which is above the City's service goal. Since the proposed project is consistent with the population growth anticipated in the General Plan, it would not result in significant impacts to San José library facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.14.3 Conclusion

The proposed project would not result in greater public services impacts than were previously identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

## 4.15 RECREATION

### 4.15.1 Setting

According to the General Plan FEIR, the City of San José owns and maintains approximately 3,435 acres of parkland, including neighborhood parks, community parks, and regional parks. The City also has 25 community centers, 12 senior centers, and 14 youth centers, though some are temporarily closed due to budget cuts. Other recreational facilities include six public skate parks and over 54 miles of trails.[38] The Central/Downtown Planning Area of San José, within which the proposed project is located, contains approximately 1.8 acres of parkland per 1,000 residents.[39]

As discussed in *Section 4.14 Public Services*, Parque De Los Pobladores is located approximately 95 feet north of the project site and Plaza De Cesar Chavez is located approximately 2,000 feet northwest of the project site.

#### 4.15.1.1 *Applicable Plans, Policies and Regulations*

The City of San José has adopted the *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapter 19.38) and *Park Impact Ordinance* (PIO) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO.

**Envision San José 2040 General Plan Policies**

The following recreation policies established in the Envision 2040 General Plan apply to the proposed project:

*Policy PR-1.1:* Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

*Policy PR-1.2:* Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

*Policy PR-1.3:* Provide 500 square feet per 1,000 population of community center space.

*Policy PR-1.12:* Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.

*Policy PR-2.4:* To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees

[38] City of San José. *Envision 2040 General Plan FPEIR*. September 2011. Pages 615-618.
[39] City of San José. *Greenprint 2009 Update.* December 8, 2009. Page 104.

for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.

*Policy PR-2.5:* Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

*Policy PR-2.6:* Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.

## 4.15.2 Recreation Impacts

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| 1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |

Similar to the site development evaluated in the Downtown Strategy 2000 FEIR and the General Plan FEIR, the proposed project would result in less than significant recreational impacts, as described below.

### 4.15.2.1 *Impacts to Recreational Facilities*

Implementation of the Downtown Strategy 2000, which accounted for up to 10,000 new dwelling units, would require an additional 87.5 acres of parkland to be constructed to serve the increased downtown population. The subsequent General Plan FEIR accounted for 10,000 additional units.

The project does not propose a general plan amendment or rezoning that might increase the residential density for the site beyond that which was analyzed as part of the Downtown Strategy 2000 FEIR and the General Plan FEIR. Both program EIRs concluded that the City's Park

Dedication Ordinance/Park Impact Ordinance (PDO/PIO) would be satisfied through a combination of several means including: dedication of land; payment of fees (based upon the unit count of the proposed project); credit for qualifying recreational amenities (based on project design); and improvement of existing parkland or recreational facilities. The additional 10,380 residential units which are allowed through the Downtown Strategy plan and the *Envision San José 2040 General Plan*, of which the project is a part, would not result in substantial physical deterioration to recreational facilities.

The proposed project provides to residents an approximately 21,300 square foot landscaped courtyard on the third floor, a pool and spa, as well as a 920 square foot roof deck on the western side of building level six. Consistent with the Envision 2040 General Plan and Downtown Strategy 2000, the proposed 232 residential unit project would be required to conform to the City's PDO/PIO and pay in-lieu fees to the City that would be used for park facilities in the project vicinity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.15.3 Conclusion

The proposed project would result in the same less than significant impact on recreational facilities in the City of San José as previously identified in the Downtown Strategy 2000 FEIR and the General Plan FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

## 4.16 TRANSPORTATION

The following discussion is based in part on a Traffic Operations Study prepared by Hexagon Transportation Consultants, Inc. in August 2013. A copy of this report is included as Appendix H in this Addendum.

### 4.16.1 Setting

#### 4.16.1.1 *Existing Conditions*

The City certified the Downtown Strategy 2000 FEIR in June 2005 which included a comprehensive traffic analysis that identified existing conditions, including conditions anticipated to occur with the implementation of specifically identified roadway improvements already planned and approved for the area. There have not been any substantial modifications to the area transportation facilities since certification of the Downtown Strategy 2000 FEIR.

**Roadway Network**

*Regional Access*

State Route 87 (SR 87) is primarily a six-lane freeway (four mixed-flow lanes and two HOV lanes) that is aligned in a north/south orientation within the project vicinity. SR 87 begins at its interchange with SR 85 and extends northward, terminating at its junction with US 101. Access to the project site to and from SR 87 is provided via an interchanges at Auzerais Avenue and Park Avenue.

Interstate 280 (I-280) extends from US 101 in San José to I-80 in San Francisco. It is generally an east-west oriented eight-lane freeway in the vicinity of Downtown San José. Connections from I-280 to Downtown San José are provided via a full interchange at Bird Avenue and partial interchanges at Seventh Street (no north on-ramp), at Almaden/Vine (ramps to/from north), Market Street (ramp to south) and Fourth Street (ramp to north).

*Local Access*

Market Street is a north-south four-lane roadway that runs from Julian Street to Reed Street. North of Julian Street, Market Street becomes Coleman Avenue. South of Reed Street, Market Street becomes South First Street.

Almaden Boulevard is a six-lane north-south roadway that runs from Julian Street to I-280. South of I-280, Almaden Boulevard provides access to and from the south via its connections to Vine Street and Almaden Avenue.

Reed Street is an east-west two- to three-lane roadway that runs from South 14$^{th}$ Street to I-280.

Pierce Avenue is an east-west two-lane roadway that runs from South Market Street to Almaden Avenue.

### Pedestrian and Bicycle Facilities

In the project vicinity, pedestrian facilities include sidewalks and pedestrian signals at signalized intersections. Sidewalks are provided throughout the project area on both sides of all roadways. All of the signalized intersections in the area are equipped with pedestrian signals.

Bicycle facilities in the site vicinity include the Guadalupe River Trail approximately 1,700 feet west of the site. Striped bike lanes (Class II) are present on Almaden Boulevard approximately one-quarter mile west of the site.

### Transit Service

The Santa Clara Valley Transportation Authority (VTA) operates bus service in Santa Clara County. The local bus routes serving the project area are described below.

Route 66 is a local bus route that provides service between Dixon Road in Milpitas and Kaiser Santa Teresa in south San José via Downtown. The hours of operation are from 5:20 AM to 11:40 PM with 15- to 60-minute headways on weekdays. Weekend service is provided from 6:15 AM to 11:40 PM with 30- to 60-minute headways.

Route 68 provides service between the Diridon Transit Center and Gilroy Transit Center. The hours of operation are from 5:10 AM to 12:10 AM with 15- to 60-minute headways on weekdays. The hours of operation are from 5:50 AM to 12:10 AM with 30- to 60-minute headways on weekends.

Route 82 provides service between Westgate Shopping Center and Downtown San José. The hours of operation are from 6:30 AM to 8:45 PM with 30- to 60-minute headways on weekdays. The hours of operation are from 7:35 AM to 8:50 PM with 45- to 60-minute headways on weekends.

Route 304 provides service between the Santa Teresa LRT Station and the Sunnyvale Transit Center. This route operates during the AM and PM weekday commute hours with 25- to 45-minute headways.

#### 4.16.1.2 *Applicable Plans, Policies, and Regulations*

### Metropolitan Transportation Commission

Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. The most recent edition of the Regional Transportation Plan, known as Transportation 2035, was adopted in April 2009. Transportation 2035 directs funding for various projects in Santa Clara County, including pavement maintenance for local streets, improvement programs for Caltrain, VTA, and countywide shuttle service programs. The Regional Transportation Plan is currently being updated. MTC and ABAG expect to adopt the final *Plan Bay Area* in July 2013.

### Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the *Santa Clara County Congestion Management Program* (CMP). The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain the following five mandatory elements: 1) a system definition and traffic level of service standard element; 2) a transit service and standards element; 3) a trip reduction and transportation demand management element; 4) a land use impact analysis program element; and 5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements, including: a county-wide transportation model and data base element, an annual monitoring and conformance element, and a deficiency plan element.

### Bike Plan 2020

The City of San José *Bike Plan 2020* (adopted in 2009) contains policies for guiding the development and maintenance of bicycle and trail facilities within San José, as well as the following goals for improving bicycle access and connectivity: 1) Complete 500 miles of bikeways, 2) Achieve a five percent bike mode share, 3) Reduce bike collision rates by 50 percent, 4) Add 5,000 bicycle parking spaces, and 5) Achieve Gold-Level Bicycle Friendly Community status.

### Level of Service Standards and City Council Policy 5-3

As established in City Council Policy 5-3 "Transportation Impact Policy" (2005), the City of San José uses the same level of service (LOS) method as the CMP, although the City's standard is LOS D rather than LOS E. According to this policy and GP Policy TR-5.3, an intersection impact would be satisfactorily mitigated if the implementation of measures would restore level of service to existing conditions or better, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (such as pedestrian, bicycle, and transit facilities).[40]

The project is located within the Downtown Core, which is exempt from the City's standard of maintaining LOS D. Exceptions to the standard are also made for small, infill projects and for impacts to Protected Intersections within Special Strategy Areas, including Transit Oriented Development Corridors and Transit Station Areas. "Protected Intersections" have been built to their maximum capacity and/or have been prioritized for other modes of travel (i.e., pedestrian, bicycle, and/or transit). Expansion of these intersections to increase vehicle capacity is infeasible due to physical constraints or because roadway improvements would have an adverse effect on other modes. If a project is found to have a significant impact on operations at a Protected Intersection, the project may be approved by funding off-setting improvements to pedestrian, bicycle, and transit facilities that enhance the capacity of the transportation in the project area. The City's Transportation Impact Policy (also referred to as the Level of Service Policy) is intended to protect pedestrian and bicycle facilities from undue encroachment by automobiles.

[40] Examples of unacceptable impacts include reducing the width of a sidewalk or bicycle lane below the city standard or creating unsafe pedestrian operating conditions.

**Envision San José 2040 General Plan**

The Circulation Element of the Envision 2040 General Plan contains various long-range goals and policies that are intended to:

- provide a transportation network that is safe, efficient, and sustainable (minimizes environmental, financial, and neighborhood impacts);
- improve multimodal accessibility to employment, housing, shopping, entertainment, schools, and parks;
- create a city where people are less reliant on driving to meet their daily needs; and
- increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips.

Various policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to transportation, as listed below.

*Policy TR-1.1*: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

*Policy TR-1.2*: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

*Policy TR-1.4*: Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

*Policy TR-1.5*: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

*Policy TR-1.6*: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.

*Policy TR-1.9*: Give priority to the funding of multimodal projects that provide the most benefit to all users. Evaluate new transportation projects to make the most efficient use of transportation resources and capacity.

*Policy TR-2.8*: Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

*Action TR-2.18*: Provide bicycle storage facilities as identified in the Bicycle Master Plan.

*Policy TR-3.3*: As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that

contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

*Policy TR-5.3*: The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas. How this policy is applied and exceptions to this policy are listed in the following bullets:

- Vehicular Traffic Mitigation Measures. Review development proposals for their impacts on the level of service and require appropriate mitigation measures if development of the project has the potential to reduce the level of service to "E" or worse. These mitigation measures typically involve street improvements. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.
- Area Development Policy. An "area development policy" may be adopted by the City Council to establish special traffic level of service standards for a specific geographic area which identifies development impacts and mitigation measures. These policies may take other names or forms to accomplish the same purpose. Area development policies may be first considered only during the General Plan Annual Review and Amendment Process; however, the hearing on an area development policy may be continued after the Annual Review has been completed and the area development policy may thereafter be adopted or amended at a public meeting at any time during the year.
- Small Projects. Small projects may be defined and exempted from traffic analysis per the City's transportation policies.
- Downtown Core Area. In recognition of the unique position of the Downtown Core Area as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, development within the Downtown Core Area Boundary is exempted from traffic mitigation requirements. Intersections within and on the boundary of this area are also exempted from the level of service "D" performance criteria.
- Special Strategy Areas. In recognition of the unique characteristics and particular goals of Special Strategy Areas, intersections identified as Protected Intersections within these areas may be exempt from traffic mitigation requirements. Special Strategy Areas are identified in the City's adopted General Plan and include Corridors and Villages, Transit Station Areas, and Specific Plan Areas.
- Protected Intersections. In recognition that roadway capacity-enhancing improvement measures can impede the City's ability to encourage infill, preserve community livability, and promote transportation alternatives that do not solely rely on automobile travel, specially designated Protected Intersections are exempt from traffic mitigation measures. Protected Intersections are located in Special Planning Areas where proposed developments causing a significant LOS impact at a Protected Intersection are required to construct multimodal (non-automotive) transportation improvements in one of the City's designated Community Improvement Zones. These multimodal improvements are referred to as off-setting improvements and include improvements to transit, bicycle, and/or pedestrian facilities.

*Policy TR-8.4*: Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.

*Policy TR-8.6*: Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.

*Policy TR-8.7*: Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.

*Policy TR-8.8*: Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage.

*Policy TR-8.9*: Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.

*Policy TR-9.1*: Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

*Action TR-10.3*: Encourage participation in car share programs for new development in identified growth areas.

*Action TR-10.4*: In Tier II, require that a portion of adjacent on-street and City owned off-street parking spaces be counted towards meeting the zoning code's parking space requirements.

*Policy CD-2.3*: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

a. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.
b. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.
c. Provide pedestrian connections as outlined in the Urban Community Design Connections Goal and Policies.
d. Locate retail and other active uses at the street level.
e. Create easily identifiable and accessible building entrances located on street frontages or paseos.
f. Accommodate the physical needs of elderly populations and persons with disabilities.
g. Integrate existing or proposed transit stops into project designs.

*Policy CD-2.10*: Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development

which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas.

*Policy CD-3.3*: Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

*Policy CD-3.6*: Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections.

### 4.16.2 Transportation Impacts

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 1. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 2. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 3. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3, 20 |
| 5. Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |
| 6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |

### 4.16.2.1 *Traffic Impacts*

The proposed 232 dwelling units and up to 5,200 square feet of commercial space are part of the 10,000 dwelling units and 900,000 to 1.2 million square feet of retail space included in the Downtown Strategy 2000. The Downtown Strategy 2000 FEIR concluded that local and regional traffic impacts of all the assumed downtown development would have an impact on 36 intersections and 48 directional freeway segments.

As noted in the General Plan FEIR, development within the Downtown Core Area Boundary is exempt from the Level of Service performance criteria and exempt from traffic mitigation requirements. The proposed project is part of the planned growth in the downtown area and will not result in any new impacts or impacts of greater severity than were already disclosed in the Downtown Strategy 2000 FEIR. The proposed project is within the Downtown Core Area, no traffic mitigation is required. **[Same Impact as Approved Project (Significant Impact)]**

### 4.16.2.2 *Other Transportation Issues*

The proposed project will conform to the policies of the Envision 2040 General Plan and will not conflict with adopted plans, policies, or programs related to alternative transportation. The project includes bike parking facilities for residents and a bike shop on West Reed Street. The project is proposing a painted curb at the far west end of Pierce Avenue for trash pick-up. Vehicular access to the first floor of the parking garage would be provided from Pierce Avenue and direct ramp access to the second floor parking garage would be provided from a driveway on Reed Street. Two loading zones would be provided, one on Pierce Avenue near Lobby 1 and one on Reed Street near Lobby 3. Both loading zones are located east of the project driveways. Smaller trucks for move-ins/deliveries would drive into the parking garage to a loading zone on Level 1. A loading zone for residents would be provided on Level 2 of the parking garage near Lobby 2.

## Vehicle Queuing

Operations at nearby intersections were evaluated under project conditions to assess whether the project would create a safety impact and for informational purposes (*Hexagon Transportation Consultants,* August 2013). From a CEQA standpoint, there are no thresholds specific to queuing. However, there is a threshold which states that the project would have a significant impact if the project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). The following discussion evaluates projected queuing at two intersections providing access to the site.

Market Street/Pierce Avenue Intersection

Traffic operations at the unsignalized intersection of Market Street and Pierce Avenue were evaluated due to concerns with left turns onto Pierce Avenue from northbound Market Street. Currently, there is very little peak hour traffic turning onto Pierce Avenue from Market Street with approximately six vehicles turning left from Market Street onto Pierce Avenue during the AM peak hour and 13 vehicles turning left from Market Street onto Pierce Avenue during the PM peak hour. Vehicles traveling northbound on Market Street into Downtown San José are not affected by vehicles turning left onto Pierce Avenue, since the inside travel lane on northbound Market Street flares out to approximately 19 feet wide at this location. This flared segment of Market Street operates similar to a left-turn pocket and provides storage for approximately 3 vehicles.

Based on current traffic volumes the intersection was not observed to have vehicles queuing during the AM and PM peak hours. Since the project would add only seven AM peak hour trips and 18 PM peak hour trips to this left-turn movement, left turns from northbound Market Street onto Pierce Avenue would continue to operate adequately. It is estimated that vehicle queues of only one or two vehicles would be typical for this left-turn movement under project traffic conditions. In the event that excessive vehicle delays unexpectedly occur in the future for vehicles turning left onto Pierce Avenue, drivers would have an option available to them to avoid this left-turn movement and associated delay altogether by turning left onto Reed Street and using Almaden Avenue to access Pierce Avenue (i.e., driving around the block).

South First Street/Reed Street

An analysis of left-turn pocket storage on South First Street at Reed Street was completed for the project. Left-turn vehicle queues on South First Street were analyzed based on an estimate of the 95th percentile maximum number of queued vehicles per signal cycle for the left-turn movements. The left-turn queue length was estimated assuming 25 feet per vehicle and the estimated maximum queue length was compared to the existing available storage capacity for the left-turn movements on South First Street.

The intersection queuing analysis indicates that the existing left-turn pocket storage capacities are adequate to accommodate the existing maximum vehicle queues for the northbound and southbound left-turn movements at the South First Street/Reed Street intersection during the AM and the PM peak hours of traffic. The left-turn pockets would continue to provide adequate vehicle storage under

project conditions because vehicle queues would not exceed the existing left-turn pocket storage capacities.

The project will not increase intersection hazards on or around the site due to increased left turns onto Pierce Avenue and Reed Street from Market Street/South First Street. The project will have adequate emergency access.

For a discussion of the project's compatibility with air traffic, see *Section 4.8 Hazards and Hazardous Materials*. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.16.3 Conclusion

Implementation of the project will result in the same significant impacts to the transportation system as was previously identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR. Further, because the proposed project is located within the Downtown Core Area, no traffic mitigation is required. **[Same Impact as Approved Project (Significant Impact)]**

## 4.17 UTILITIES AND SERVICE SYSTEMS

### 4.17.1 Setting

#### 4.17.1.1 *Water*

Water service to the project site is provided by San José Water Company. There are existing six-inch[41] potable water lines in Pierce Avenue and West Reed Street adjacent to the north and south boundaries of the project site, respectively. The six-inch line on Pierce Avenue extends onto South Market Street where it connects with a 12-inch water line that runs along South Market Street adjacent to the eastern site boundary. Currently, there are no recycled water lines in the project area. The nearest recycled water line is within East San Fernando Street, just east of South Fourth Street and approximately 0.6 miles north of the project site.[42]

Current development on the project site uses water for restrooms, break rooms, drinking faucets, and landscape irrigation for plantings at the rear of 60 Pierce Avenue. Some of the existing buildings on-site are vacant and, therefore, do not have any current water demand.

#### 4.17.1.2 *Storm Drainage*

Most of the project site consists of buildings and impervious surfaces such as parking lots. The site's drainage is discussed in detail in *Section 4.9 Hydrology and Water Quality.* Runoff from the site enters the storm drainage system in an existing 24-inch storm drain line in Pierce Avenue and a 21-inch storm drain line on South Market Street. A 12-inch storm drain line is located in South First Street, south of its intersection with East Reed Street. Storm drain lines in the project area are provided and maintained by the City of San José Department of Transportation. Runoff from the site discharges to the Guadalupe River, approximately 1,700 feet west of the project site, and is ultimately conveyed to the San Francisco Bay.

The existing project site is 98 percent impervious and includes landscaping, trees, and storm drain inlets.

#### 4.17.1.3 *Wastewater/Sanitary Sewer System*

Sanitary sewer lines in the project area are maintained by the City of San José Department of Transportation. There is an existing six-inch sewer line in South Market Street north of East Reed Street and existing eight-inch sewer lines in West Reed Street and Pierce Avenue. These sewer mains all flow to an existing 14-inch sewer line on South Almaden Avenue. Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (Facility), formerly known as the San José/Santa Clara Water Pollution Control Plant (WPCP). The Facility has a

[41] All utility infrastructure measurements discussed in this section refer to the *diameter* of the pipe or system in question.
[42] South Bay Water Recycling. *Recycled Water Pipeline System.* Map. July 28, 2011.

capacity to treat 167 million gallons per day (gpd) of sewage during dry weather flow.[43] In 2012, the Facility's average dry weather effluent flow was 85.3 mgd.[44] The resulting fresh water from the Facility is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

According to the General Plan FEIR, the City of San José generates approximately 69.8 million gallons per day (mgd) of dry weather sewage flow. The City's share of the San José/Santa Clara Regional Wastewater Facility treatment capacity is 108.6 mgd, which based on the 2010 data used for the General Plan FEIR leaves the City with approximately 38.8 mgd of excess treatment capacity.[45]

#### 4.17.1.4 *Solid Waste*

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and was reviewed in 2004 and 2007. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. In 2008, the City of San José diverted approximately 60 percent of the waste generated in the City. According to the IWMP, the County has adequate disposal capacity beyond 2022. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. In 2005 the City disposed of approximately 711,975 tons of solid waste.[46]

Solid waste and recycling collection services in the project area are provided by Garden City Sanitation and California Waste Solutions, respectively. Yard waste in the project area is collected by GreenWaste Recovery. All San José residential garbage goes to Newby Island Landfill. The commercial buildings on the site are currently occupied by an architectural office, a rental car storage lot, comic book art gallery, automobile audio equipment installation shop, and florist.

#### 4.17.1.5 *Other Utilities*

A natural gas distribution line[47] in the south side of Pierce Avenue extends in South Market Street adjacent to the eastern project site boundary. Overhead electrical lines run along the south sides of Pierce Avenue and West Reed Street north and south of the project site, respectively. Buried electrical lines extend onto the western boundary of the project site from Pierce Avenue and onto the eastern boundary of the project site from North First Street.

[43] City of San José. *San José/Santa Clara Regional Wastewater Facility.* May 4, 2010. Available at: http://www.sanjoseca.gov/index.aspx?NID=1663
[44] City of San José. *Clean Bay Strategy Reports*. February 2013. Available at: http://www.sanjoseca.gov/ArchiveCenter/ViewFile/Item/1629
[45] City of San José. *Envision San José 2040 General Plan Integrated Final Program EIR.* September 2011. Page 648.
[46] California Integrated Waste Management Board. *Five-Year CIWMP/RAIWMP Review Report*. August 22, 2007. Page 10.
[47] Natural gas distribution lines are smaller than transmission lines.

#### 4.17.1.6 *Applicable Plans, Policies, and Regulations*

The Envision 2040 General Plan includes the following policies applicable to all development projects in San José.

*Policy MS-3.2:* Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.

*Policy MS-3.3:* Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

*Action EC-5.16:* Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

*Policy IN-3.10:* Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES).

### 4.17.2 Utilities and Service Systems Impacts

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 2. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 3. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 5. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |
| 7. Comply with federal, state and local statutes and regulations related to solid waste? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3 |

#### 4.17.2.1 *Water Service and Supply*

It is estimated that multiple-family residential units use approximately 136 gallons of potable water per unit per day, which for the proposed 232 units totals 31,552 gallons per day (gpd). Based on the water usage rate for office buildings of 0.140 gpd per square foot, up to 5,200 square feet of commercial space would use approximately 728 gpd.[48] The project would use a total of approximately 32,280 gpd, or approximately 11.8 million gallons per year.

The project would require a connection to the existing water line Pierce Avenue or South Market Street. The improvements for the water connection would occur on-site and within existing right-of-way and are not anticipated to result in significant environmental impacts.

The General Plan FEIR determined that the three water suppliers for the City could serve planned growth under the Envision 2040 General Plan until 2025. Water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. The General Plan has specific policies to reduce water consumption including expansion of the recycled water system and implementation of water conservation measures. The General Plan FEIR concluded that

[48] Oberg, John. City of San José. Personal Communication (E-mail to David J. Powers and Associates, Inc.). February 4, 2004.

with implementation of existing regulations and adopted General Plan policies, full build out under the General Plan would not exceed the available water supply.

The proposed project is consistent with planned growth in the Downtown Strategy 2000 and the Envision 2040 General Plan and will comply with the policies and regulations identified in the General Plan FEIR. Therefore, implementation of the proposed project would have a less than significant impact on the City's water supply. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.17.2.2 *Storm Drainage*

As discussed in *Section 4.9 Hydrology and Water Quality*, the existing site is 98 percent impervious (85,050 square feet of the 1.99 acre project site). The proposed project would reduce the amount of impervious surfaces on-site by 3,440 square feet, a reduction of almost four percent. The result of this change would be an incremental decrease in the amount of stormwater runoff from the project site.

The Downtown Strategy 2000 FEIR concluded that with the proposed changes in land use, full buildout of the Downtown Strategy 2000 plan would result in an overall net decrease in impermeable surfaces. The General Plan FEIR found that although new development could increase impervious surfaces, planned improvements to the City storm drainage system would not result in significant environmental impacts due to the implementation of stormwater best management practices (BMPs). Since the project decreases impervious surfaces and would implement General Plan policies, the project would not require the construction or expansion of stormwater facilities beyond those that were evaluated in the Downtown Strategy 2000 and General Plan FEIRs. In addition, the project would be required to comply with the NPDES Municipal Regional Permit and all applicable plans, policies, and regulations (including RWQCB permits) for the treatment of stormwater. For these reasons, implementation of the proposed project will have a less than significant impact on the City's storm drainage system. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.17.2.3 *Wastewater/Sanitary Sewer System*

Sewage generation is roughly 85 percent of a site's water use. Based on the project's estimated water use discussed above, the project is estimated to generate 27,243 gpd of sewage. The project would require a connection to the existing six-inch sewer line in South Market Street north of East Reed Street as well as connecting to the existing eight-inch sewer lines on West Reed Street and Pierce Avenue. Sewer upsizing of these lines may be required after further analysis is conducted on anticipated flows from the project. The improvements for the sanitary sewer connection would occur on-site and within existing right-of-way and, therefore, are not anticipated to result in significant environmental impacts.

As stated above, the available treatment capacity at the Facility for the City of San José is 38.8 million gallons per day (mgd). Based on a sanitary sewer hydraulic analysis prepared for the General Plan FEIR, full build out under the General Plan would increase average dry weather flows by approximately 30.8 mgd. Since development allowed under the General Plan would not exceed the City's allocated capacity at the Facility, and since the proposed project is consistent with the

development assumptions in the General Plan, implementation of the proposed project would have a less than significant impact on wastewater treatment facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.17.2.4 *Solid Waste*

The proposed project would intensify the uses on the site and increase the amount of solid waste generation compared to the existing office and commercial uses.

The General Plan FEIR concluded that the increase in waste generated by full build out under the General Plan would not cause the City to exceed the capacity of existing landfills that serve the City. Future increases in solid waste generation from development allowed under the General Plan would be avoided with ongoing implementation of the City's Zero Waste Strategic Plan. This Plan, in combination with existing regulations and programs, would ensure that full build out of the General Plan would not result in significant impacts from the provision of landfill capacity to accommodate the City's increased service population.

The proposed project is consistent with the development assumptions evaluated in the General Plan and General Plan FEIR. Therefore implementation of the proposed project would have a less than significant impact on the solid waste disposal capacity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.17.2.5 *Other Utilities*

The proposed project would connect to existing natural gas and electrical lines that extend onto the site from Pierce Avenue and South Market Street. All work would occur within the project site and the existing right-of-way, and the project would implement all applicable policies relating to construction stormwater runoff, dust controls, and noise. Therefore, the project would not result in a significant environmental impact related to improvements for these facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.17.3 Conclusion

Implementation of the proposed project would have the same less than significant utilities and service system impacts as previously identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR. The proposed project would not require new utility lines or facilities and would not exceed the capacity of existing utility and service systems. Work to connect the proposed development to existing utilities would be completed either on the project site or in existing rights-of-way. **[Same Impact as Approved Project (Less Than Significant Impact)]**

## 4.18 MANDATORY FINDINGS OF SIGNIFICANCE

| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| 1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☐ | ☐ | ☒ | ☐ | p. 17-162 |
| 2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | ☐ | ☐ | ☐ | ☒ | ☐ | p. 17-162 |
| 3. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals? | ☐ | ☐ | ☐ | ☒ | ☐ | p. 17-162 |
| 4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☐ | ☒ | ☐ | p. 17-162 |

### 4.18.1 Project Impacts

As discussed in the individual section of this document, the proposed project would have no impact or a less than significant impacts aesthetics, agricultural and forest resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, land use, mineral resources, noise, population and housing, public services, recreation, transportation or utilities and service systems, with implementation of measures consistent with the City's General Plan and GHG Reduction Strategy.

With the implementation of the mitigation measures included in the project and described in *Section 4.8 Hazards and Hazardous Materials*, the proposed project would not result in significant adverse environmental impacts.

### 4.18.2 Cumulative Impacts

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

Because a project's criteria air pollutant and GHG emissions would contribute to regional and global emissions of such pollutants, the identified project-level thresholds were developed such that a project-level impact would also be a cumulatively considerable impact. The project would not result in a significant emissions of criteria air pollutants or GHG emissions and, therefore, would not result in a cumulatively considerable impact.

The proposed project was analyzed for cumulative TAC impacts as described in Appendix A. Cumulative TACs for the project would result in increased cancer risks of 15.4, non-cancer risk of 0.09, and $PM_{2.5}$ concentrations of 0.42 $\mu g/m^3$ which are well below the significance thresholds described in Table 4.3-1 (page 38). The proposed project would not result in any cumulative impacts due to TAC emissions in the project area.

The hazardous material impacts from implementation of the project would be mitigated; the proposed project would not have a cumulatively considerable impact on hazards and hazardous materials in the project area.

The project would contribute to the significant cumulative transportation impact that will occur with full build-out of the Downtown Strategy 2000 and the General Plan. The project will not result in any new transportation impacts or impacts of greater severity than the approved projects. Mitigation measures were adopted where feasible and statements of overriding considerations have been adopted for both plans.

The City is currently preparing the Diridon Station Area Plan which incorporates planned job and housing capacity identified in the Envision 2040 General Plan for the Downtown, Midtown Specific Plan, and "VT4 – the Alameda (East)" Urban Village. The City is also considering proposed development of 2,200 residential units on Communications Hill which is consistent with Envision 2040 General Plan. Urban Village planning is also underway for approximately nine Urban Villages, excluding the Diridon Station Area Plan, to determine the exact location of the jobs and housing capacity assumed for the villages in the Envision 2040 General Plan. There are no other recently approved or reasonably foreseeable projects that, when combined with the proposed project, would result in a new or greater cumulatively considerable impact not previously identified by the General Plan FEIR or Downtown Strategy FEIR.

### 4.18.3 Short-term Environmental Goals vs. Long-term Environmental Goals

The project site is currently developed with commercial buildings. The project proposes to redevelop the site with residential and commercial uses consistent with the long-term goals for the site in accordance with the Envision 2040 General Plan and the Downtown Strategy 2000. The construction of the project would result in the temporary disturbance of developed land as well as irreversible and irretrievable commitment of resources during construction. It is anticipated that these short-term effects would be substantially off-set by meeting the long-term environmental goals for this Downtown site. With implementation of the mitigation measures included in the project and compliance with City General Plan policies, the proposed project would not result in significant adverse environmental impacts.

### 4.18.4 Direct or Indirect Adverse Effects on Human Beings

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include hazardous materials and noise. However, implementation of mitigation measures and General Plan policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

# SECTION 5.0 CHECKLIST INFORMATION SOURCES


1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.
2. City of San José. *Envision San José 2040 General Plan*. November 2011.
3. City of San José. *Downtown Strategy 2000 FEIR.* November 2005.
4. City of San José. *Zoning Ordinance*.
5. California Department of Conservation. *Santa Clara County Important Farmland 2010.* Map.
6. Bay Area Air Quality Management District. *Bay Area 2010 Clean Air Plan*. September 15, 2010.
7. Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2011.
8. Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. Updated May 2012.
9. Illingworth & Rodkin, Inc. *Pierce Street Residential Project Air Quality Community Risk Assessment*. May 8, 2013.
10. HortScience, Inc. *Preliminary Arborist Report 60 Pierce Avenue.* June 2013.
11. Carey & Co., Inc. *Historic Resource Survey Pierce Reed Properties.* October 2002.
12. Carey & Co., Inc. *Historic Resources Evaluation Pierce Reed Properties.* March 1, 2005.
13. Carey & Co., Inc. *Memorandum Historical Status: 575 South Market Street, 577 South Market Street, 599 South First Street, and 60 Pierce Avenue, San Jose*. November 12, 2012.
14. Holman & Associates, Inc. *Archaeological Literature Review for the Pierce/Reed Property*. May 29, 2013.
15. Rockridge Geotechnical. *Final Geotechnical Investigation Proposed Apartment Building Pierce-Reed Site.* April 13, 2013.
16. West Environmental Services & Technology. *Phase I Environmental Site Assessment (ESA)*. January 2013.
17. ProTech Consulting and Engineering. *Pre-Demolition/Renovation Asbestos & Lead Survey and Evaluation*. November 2012.
18. Federal Emergency Management Agency. *Flood Insurance Rate Map. Panel 06085C0234H*. May 18, 2009.
19. Illingworth & Rodkin, Inc. *Mixed Use Residential Development The Pierce, 60 Pierce Avenue.* May 9, 2013.
20. Hexagon Transportation Consultants, Inc. *Traffic Operations Study for a Residential Project Located at 60 Pierce Avenue*. August 2013.

## SECTION 6.0 REFERENCES


ABAG, BAAQMD, BCDC, and MTC. "One Bay Area Frequently Asked Questions." Accessed June 4, 2013, Available at: <http://onebayarea.org/about/faq.html#.UQceKR2_DAk>.

ABAG, BAAQMD, BCDC, and MTC. "Plan Bay Area Public Comment: What We Heard" Accessed: June 5, 2013." Available at: < http://onebayarea.org/>.

Bay Area Air Quality Management District. *Bay Area 2010 Clean Air Plan*. September 15, 2010.

Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2011.

Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. Updated May 2012.

C. Bruce Hanson. 2010. *Paleontological Evaluation Report for the Envision San José 2040 General Plan, Santa Clara County, California.* Accessed May 26, 2013. Available at: <http://www.sanjoseca.gov/index.aspx?NID=2435>

California Department of Conservation. *Santa Clara County Important Farmland 2010*. Map.

California Department of Forestry and Fire Protection. Santa Clara County FHSZ Map. November 6, 2007 Available at: http://www.fire.ca.gov/fire_prevention/fhsz_maps/fhsz_maps_santaclara.php. Accessed May 23, 2013.

California Integrated Waste Management Board. *Five-Year CIWMP/RAIWMP Review Report*. August 22, 2007. Page 10.

Carey & Co., Inc. *Historic Resource Survey Pierce Reed Properties.* October 2002.

Carey & Co., Inc. *Historic Resources Evaluation Pierce Reed Properties.* March 1, 2005.

Carey & Co., Inc. *Memorandum Historical Status: 575 South Market Street, 577 South Market Street, 599 South First Street, and 60 Pierce Avenue, San Jose.* November 12, 2012.

City of San José. *Clean Bay Strategy Reports*. February 2013. Available at: http://www.sanjoseca.gov/ArchiveCenter/ViewFile/Item/1629

City of San José. *Downtown Strategy 2000 FEIR.* November 2005.

City of San José. *Envision San José 2040 General Plan*. November 2011.

City of San José. *Greenprint 2009 Update*. December 8, 2009. Page 104.

City of San José. *San José/Santa Clara Regional Wastewater Facility*. May 4, 2010. Available at: http://www.sanjoseca.gov/index.aspx?NID=1663

City of San José Police Department. *Official Crime Statistics*. October 2012. Accessed May 24, 2013. Available at: http://www.sjpd.org/CrimeStats/crimestats.html

City of San José. *Zoning Ordinance*.

Federal Emergency Management Agency. *Flood Insurance Rate Map. Panel 06085C0234H*. May 18, 2009.

Hexagon Transportation Consultants, Inc. *Traffic Operations Study for a Residential Project Located at 60 Pierce Avenue*. August 2013.

Holman & Associates, Inc. *Archaeological Literature Review for the Pierce/Reed Property*. May 29, 2013.

HortScience, Inc. *Preliminary Arborist Report 60 Pierce Avenue.* June 2013.

Illingworth & Rodkin, Inc. *Mixed Use Residential Development The Pierce, 60 Pierce Avenue.* May 9, 2013.

ProTech Consulting and Engineering. *Pre-Demolition/Renovation Asbestos & Lead Survey and Evaluation*. November 2012.

Rockridge Geotechnical. *Final Geotechnical Investigation Proposed Apartment Building Pierce-Reed Site*. April 13, 2013.

San José Unified School District. *Development Fee Justification Study.* April 2012. Available at: http://www.sjusd.org/pdf/districtinformation/Development_Fee_Justification_Study.pdf

Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan: Norman Y. Mineta San José International Airport.* May 2011.

South Bay Water Recycling. *Recycled Water Pipeline System.* Map. July 28, 2011.

State of California, Department of Finance. E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2012 and 2013. May 2013. Available at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

U.S. Census Bureau. "American Fact Finder". Profile of General Population and Housing Characteristics: 2010, for the City of San José. Accessed June 6, 2013. Available at: <http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>

West Environmental Services & Technology. *Phase I Environmental Site Assessment (ESA).* January 2013.

# SECTION 7.0 LEAD AGENCY AND CONSULTANTS

## Lead Agency

**City of San José**
Department of Planning, Building, and Code Enforcement
Joseph Horwedel, Director
Rebekah Ross, Planner II
Rebecca Bustos, Planner I

## Consultants

**David J. Powers & Associates**
Environmental Consultants and Planners
Nora Monette, Principal
Will Burns, Project Manager
Matthew Gilliland, Researcher
Zach Dill, Graphic Artist

**Holman & Associates, Inc.**
Cultural Resource Consultants
Miley Holman

**Illingworth & Rodkin**
Acoustical and Air Quality Consultants
Fred M. Svinth, INCE, Assoc. AIA, Principal